TITLE 18

WATER AND SEWERS[1]

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CHAPTER 1

SEWAGE USE[2]

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18-101. General provisions. (1) Purpose and policy. This chapter sets forth uniform requirements for the disposal of wastewater in the service area of the City of Sparta, Tennessee,

(a) To protect the public health;

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[1]Municipal code references
Building, utility and housing codes: title 12.
Electricity, waterworks, and sewerage: title 19, chapter 1.
Refuse disposal: title 17.

[2]Municipal code reference
Plumbing code: title 12, chapter 3.

(b) To provide problem free wastewater collection and treatment service;

(c) To prevent the introduction of pollutants into the municipal wastewater treatment system, which will interfere with the system operation, which will cause the city's discharge to violate its National Pollutant Discharge Elimination System (NPDES) permit or other applicable state requirements, or which will cause physical damage to the wastewater treatment system facilities;

(d) To provide for full and equitable distribution of the cost of the wastewater treatment system;

(e) To enable the City of Sparta to comply with the provisions of the Federal Water Pollution Control Act, the General Pretreatment Regulations (40 CFR Part 403), and other applicable federal, state laws and regulations;

(f) To improve the opportunity to recycle and reclaim wastewaters and sludges from the wastewater treatment system.

In meeting these objectives, this chapter provides that all persons in the service area of the City of Sparta must have adequate wastewater treatment either in the form of a connection to the municipal wastewater treatment system or, where the system is not available, an appropriate private disposal system. The chapter also provides for the issuance of permits to system users, for the regulations of wastewater discharge volume and characteristics, for monitoring and enforcement activities; and for the setting of fees for the full and equitable distribution of costs resulting from the operation, maintenance, and capital recovery of the wastewater treatment system and from other activities required by the enforcement and administrative program established herein.

This chapter shall apply to the City of Sparta, Tennessee and to persons outside the city who are, by contract or agreement with the city users of the municipal wastewater treatment system. Except as otherwise provided herein, the City Administrator of the City of Sparta shall administer, implement, and enforce the provisions of this chapter.

(2) Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

(a) "Act or the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended 33 U.S.C. 1251, et seq.

(b) "Approval authority." The division of water pollution control director or his/her representative(s).

(c) "Authorized or duly authorized representative of the user."

(i) If the user is a corporation:

(A) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(B) The manager of one (1) or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(ii) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(iii) If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(iv) The individuals described in paragraphs (i) through (iii), above, may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City of Sparta.

(d) "Best Management Practices" or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 18-107 of this ordinance. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

(e) "Biochemical oxygen demand (BOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at twenty degrees centigrade (20°) expressed in terms of weight and concentration (milligrams per liter (mg/l)).

(f) "Building sewer." A sewer conveying wastewater from the premises of a user to the POTW.

(g) "City." The City of Sparta, Tennessee or the Board of Mayor and Aldermen, City of Sparta, Tennessee or their representative.

(h) "Compatible pollutant." Shall mean BOD, suspended solids, pH, fecal coliform bacteria, and such additional pollutants as are now or

may in the future be specified and controlled in the city's NPDES permit for its wastewater treatment works where sewer works have been designed and used to reduce or remove such pollutants.

(i) "Cooling water." The water discharge from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.

(j) "Control authority." The City of Sparta.

(k) "Customer." Any individual, partnership, corporation, association, or group who receives sewer service from the city under either an express or implied contract requiring payment to the city for such service.

(l) "Direct discharge." The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

(m) "Domestic wastewater." Wastewater that is generated by a single family, apartment or other dwelling unit equivalent containing sanitary facilities for the disposal of wastewater and used for residential purposes only.

(n) "Environmental Protection Agency, or EPA." The U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of the said agency.

(o) "Garbage." Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

(p) "Grab sample." A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream. An individual sample collected over a period of time not to exceed fifteen (15) minutes.

(q) "Holding tank waste." Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

(r) "Incompatible pollutant." Any pollutant which is not a "compatible pollutant" as defined in this section.

(s) "Indirect discharge." The discharge or the introduction of non-domestic pollutants from any source regulated under section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

(t) "Industrial user." A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402, of the Act (33 U.S.C. 1342).

(u) "Interference. A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use

or disposal; or exceeds the design capacity of the treatment works or the collection system.

(v) "Manager." The person designated by the city to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this section, or other representatives authorized by the city. For the purposes of this chapter, "Manager" shall be used to designate the City Administrator, City of Sparta.

(w) "National categorical pretreatment standard or pretreatment standard." Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR Part 403.5.

(x) "NPDES (National Pollution Discharge Elimination System)." The program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into navigable waters, the contiguous zone, and the oceans pursuant to section 402 of the Federal Water Pollution Control Act as amended.

(y) "New source." (i) The term 'new source' means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(A) The building, structure, facility or installation is constructed at a site at which no other source is located; or

(B) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(C) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(ii) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs 18-101(y)(i)(B) or

18-101(y)(i)(C) of this section, but otherwise alters, replaces, or adds to existing process or production equipment.

(iii) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

(A) Begun, or caused to begin as part of a continuous onsite construction program:

(1) Any placement, assembly, or installation of facilities or equipment; or

(2) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(B) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

(z) "Pass through." A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

(aa) "Person." Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

(bb) "pH." The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

(cc) "Pollution." The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(dd) "Pollutant." Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharge into water.

(ee) "Pretreatment or treatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, discharging

or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by § 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with § 403.6(e).

(ff) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment other than a national pretreatment standard imposed on an industrial user.

(gg) "Publicly Owned Treatment Works (POTW)." A treatment works as defined by section 212 of the Act, which is owned by a state or municipality (as defined by section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

(hh) "POTW treatment plant." That portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

(ii) "Shall" is mandatory; "may" is permissive.

(jj) "Significant industrial user." The City of Sparta defines a significant industrial user as:

(i) An industrial user subject to categorical pretreatment standards; or

(ii) An industrial user that:

(A) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);

(B) Contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(C) Is designated as such by the City of Sparta on the basis that it has a reasonable potential for adversely

affecting the POTW's operation or for violating any pretreatment standard or requirement.

(iii) Upon a finding that an industrial user meeting the criteria in paragraph (ii) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standards or requirement, the control authority may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

(kk) "Significant noncompliance." Any significant industrial user (or any industrial user which violates any section of the City of Sparta's SUO or applicable discharge permit) is in significant noncompliance, if its violation meets one or more of the following criteria as listed in (40 CFR403.8(f)(2)(viii):

(i) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(1);

(ii) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements taken for the same pollutant parameter during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 CFR 403.3(1) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

(iii) Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(1) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in combination with other discharges, intelligence or pass through (including endangering the health of POTW personnel or the general public);

(iv) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph 40 CFR 403.8(f)(1)(vi)(B) of this section to halt or prevent such a discharge;

(v) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(vi) Failure to provide, within forty-five (45) days after the due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(vii) Failure to accurately report noncompliance;

(viii) Any other violation or group of violations, which may include a violation of best management practices, which the POTW determines will adversely affect the operation or implementation of the local pretreatment program.

(ll) "Slug." Any discharge of a non-routine, episodic nature, including, but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause intelligence or passthrough, or in any other way violate the POTW's regulations, local limits or permit conditions.

(mm) "State." The State of Tennessee.

(nn) "Standard Industrial Classification (SIC)." A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

(oo) "Storm water." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(pp) "Storm sewer or storm drain." A pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes. It may, however, carry cooling waters and unpolluted waters, upon approval of the manager.

(qq) "Suspended solids." The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids and that is removable by laboratory filtering.

(rr) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in regulations published by the administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.

(ss) "Twenty-four (24) hour flow proportional composite sample." A sample consisting of several sample portions collected during a twenty-four (24) hour period in which the portions of a sample are proportioned to the flow and combined to form a representative sample.

(tt) "User." Any person who contributes, causes or permits the contribution of wastewater into the city's POTW.

(uu) "Wastewater." The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the POTW.

(vv) "Waters of the state." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation

systems, drainage systems, and other bodies of accumulation of water, surface or underground, natural or artificial, public or private, that are contained within, flow through, or border upon the state or any portion thereof. (1978 Code, § 8-301, as replaced by Ord. #99-720, Nov. 1999, as amended by Ord. #06-817, Nov. 2007, and replaced by Ord. #08-830, Aug. 2008)

18-102. Connection to public sewers. (1) Requirements for proper wastewater disposal. (a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the service area of the city, any human or animal excrement, garbage, or other objectionable waste.

(b) It shall be unlawful to discharge to any waters of the state within the service area of the City of Sparta any sewage or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this chapter, and the requirements stipulated in § 18-102(e) of this document have been met.

(c) Except as herein provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(d) Except as provided in § 18-102(1)(e) below, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the service area in which there is now located or may in the future be located a public sanitary sewer, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of the chapter, within sixty (60) days after date of official notice to do so, provided that said public sewer is within five hundred feet (500') of the property line over public access.

(e) The owner of a manufacturing facility may discharge wastewater to the waters of the state provided that he obtains an NPDES permit and meets all requirements of the Federal Clean Water Act, the NPDES permit, and any other applicable local, state, or federal statutes and regulations.

(f) Where a public sanitary sewer is not available under the provisions of § 18-102(1)(d) above, the building sewer shall be connected to a private sewage disposal system complying with the provisions of § 18-103 of this chapter.

(2) Physical connection public sewer. (a) No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city as required by § 18-106 of this chapter. The connection application shall be supplemented by any plans, specifications

or other information considered pertinent in the judgment of the city. A connection fee shall be paid to the city at the time the application is filed.

(b) All costs and expenses incident to the installation, connection, and inspection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(c) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(d) Old building sewers may be used in connection with new buildings only when they are found, upon examination and testing by the manager to meet all requirements of this chapter. All others may be sealed to the satisfaction of the manager.

(e) Building sewers shall conform to the following requirements:

(i) The minimum size of a building sewer shall be as follows:

(A) Conventional sewer system -- four inches (4").

(B) Small diameter gravity sewer -- two inches (2").

(C) Septic tank effluent pump -- one and one quarter inches (1-1/4").

Where the septic tanks become an integral part of the collection and treatment system, the minimum size influent line shall be four inches (4") and the minimum size of septic tank shall be one thousand (1,000) gallons. Septic tanks shall be constructed of polyethylene and protected from flotation. The city shall have the right, privilege, and authority to locate, inspect, operate, and maintain septic tanks which are an integral part of the collection and treatment system.

(ii) The minimum depth of a building sewer shall be eighteen inches (18").

(iii) Four inch (4") building sewers shall be laid on a grade greater than one-eighth inch (1/8") per foot. Two-inch (2") sewers shall be laid on a grade greater than three-eighths inch (3/8") per foot. Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least two feet (2') per second.

(iv) Slope and alignment of all building sewers shall be neat and regular.

(v) Building sewers shall be constructed only of:

(A) Neoprene compression joints of approved type, sewers and SDR-21 for pressure sewers with solvent welded or rubber compression joints;

(B) Cast iron soil pipe with compressed joints;

(C) Polyvinyl chloride pipe SDR-21 for gravity sewers and SDR-21 for pressure sewers with solvent welded or rubber compression joints;

(D) ABS composite sewer pipe with solvent welded or rubber compression joints of approved type; or

(E) Such other materials of equal or superior quality as may be approved by the manager. Under no circumstances will cement mortar joints be acceptable.

(vi) A cleanout shall be located five feet (5') outside of the building, one (1) as it taps on to the utility lateral and one (1) at each change of direction of the building sewer which is greater than forty-five degrees (45°). Additional cleanouts shall be placed not more than seventy-five feet (75') apart in horizontal building sewers of four inch (4") nominal diameter and not more than one hundred feet (100') apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed. A sweeping "Y" (wye) and one-eighth (1/8) bend shall be used for the cleanout base. Cleanouts shall not be smaller than four inches (4") on a four inch (4") pipe. A cleanout shall be placed at the property line of the industry or the property owner, where it connects to the public sewer system. The City of Sparta shall maintain the sewer from the property line to the public sewer. From the property line cleanout to the building, shall be the owner's responsibility.

(vii) Connections of building sewers to the public sewer system shall be at the appropriate existing wyes or tee branch using compression type couplings or collar type rubber joint with stainless steel bands. Where existing wye or tee branches are not available, connections of building services shall be made by either removing a length of pipe and replacing it with a sweeping wye or tee fitting using flexible neoprene adapters with stainless steel bands of a type approved by the manager. All such connections shall be made gastight and watertight.

(viii) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sanitary sewer is at a grade of one-eighth inch (1/8") per foot or more if possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the sewer, adequate precautions by installation of check valves or other backflow prevention devices to protect against flooding shall

be provided by the owner. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a pump and discharged to the building sewer at the expense of the owner.

(ix) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city or to the procedures set forth in appropriate specifications of the ASTM Water Environment Federation Manual of Practice FD-5. Any deviation from the prescribed procedures and materials must be approved by the manager before installation.

(x) An installed building sewer shall be gastight and watertight.

(f) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(g) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement drains, or other sources of surface runoff or groundwater to a building directly or indirectly to a public sanitary sewer.

(h) All cafes, restaurants, motels, hotels, or other commercial food preparation establishments shall be subject to the requirements for fats, oils and grease traps and interceptors as defined in § 18-107(3) of this document, and in the City of Sparta Fats, Oils, and Grease (FOG) Management Policy.

(3) Inspection of connections. (a) Before the underground portion is covered, the sewer connection and all building sewers from the building to the public sewer main line shall be inspected by the city or its authorized representative.

(b) The applicant for discharge shall notify the manager when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the manager or his representative.

(4) Maintenance of building sewers. Each individual property owner or user of the POTW shall be entirely responsible for the maintenance of the building sewer located on private property. This maintenance will include repair or replacement of the service line as deemed necessary by the city to meet specifications of or the requirements of this chapter. (1978 Code, § 8-302, as replaced by Ord. #99-720, Nov. 1999, and Ord. #08-830, Aug. 2008)

18-103. Septic tank effluent pump or grinder pump wastewater systems. When connection of building sewers to the public sewer by gravity flow lines is impossible due to elevation differences or other encumbrances, Septic Tank Effluent Pump (STEP) or Grinder Pump (GP) systems may be installed subject to the regulations of the City of Sparta.

(1) Equipment requirements. (a) Septic tanks shall be of water tight construction and must be approved by the city.

(b) Pumps must be approved by the city and shall be maintained by the city.

(2) Installation requirements. Location of tanks, pumps, and effluent lines shall be subject to the approval of the city. Installation shall follow design criteria for STEP and GP systems as provided by the manager.

(3) Costs. STEP and GP equipment for new construction shall be purchased and installed at the developer's, homeowner's, or business owner's expense according to the specification of the city and connection will be made to the city sewer only after inspection and approval of the city.

(4) Ownership and easements. Homeowners or developers shall provide the city with ownership and an easement. Access by the city to the STEP and GP system must be guaranteed to operate, maintain, repair, restore service, and remove sludge. Access manholes, ports, and electrical disconnects must not be locked, obstructed or blocked by landscaping or construction.

(5) Use of STEP and GP systems. (a) Home or business owners shall follow the STEP and GP users guide provided by the manager.

(b) Home or business owners shall provide an electrical connection that meets specifications and shall provide electrical power.

(c) Home or business owners shall be responsible for maintenance drain lines from the building to the STEP and GP tank.

(d) Prohibited uses of the STEP and GP system.

(i) Connection of roof guttering, sump pumps or surface drains;

(ii) Disposal of toxic household substances;

(iii) Use of garbage grinders or disposers;

(iv) Discharge of water softener backwash water;

(v) Discharge of pet hair, lint, or home vacuum water;

(vi) Discharge of fats, grease, and oil.

(6) Tank cleaning. Solids removal from the septic tank shall be the responsibility of the city. However, pumping required more frequently than once every five (5) years shall be billed to the homeowner.

(7) Additional charges. The city shall be responsible for maintenance of the STEP and GP equipment. Repeat service calls for identical problems shall be billed to the homeowner or business at a rate of no more than the actual cost of the service call. (As added by Ord. #99-720, Nov. 1999, and replaced by Ord. #08-830, Aug. 2008)

18-104. Private domestic wastewater disposal.

(1) Availability. (a) Where a public sanitary sewer is not available under the provisions of § 18-102(1)(d), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

(b) Any residence, office, recreational facility, or other establishment used for human occupancy where the building drain is below the elevation to obtain a grade equivalent to one-eighth inch (1/8") per foot in the building sewer but is otherwise accessible to a public sewer as provided in § 18-102, the owner shall provide a private sewage pumping station as provided in § 18102(2)(e)(viii).

(c) Where a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days after date of official notice from the city to do so.

(2) Requirements. (a) A private domestic wastewater disposal system may not be constructed within the service area unless and until a certificate is obtained from the manager stating that a public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future. No certificate shall be issued for any private domestic wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than that specified by the White County Health Department.

(b) Before commencement of construction of a private sewage disposal system the owner shall first obtain written permission from the White County Health Department. The owner shall supply any plans, specifications, and other information as are deemed necessary by the White County Health Department.

(c) A private domestic sewage disposal system shall not be placed in operation until the installation is completed to the satisfaction of the White County Health Department. They shall be allowed to inspect the work at any stage of construction and the owner shall notify the White County Health Department when the work is ready for final inspection, before any underground portions are covered. The inspection shall be made within a reasonable period of time after the receipt of notice by the White County Health Department.

(d) The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the Tennessee Department of Environment and Conservation and the White County Health Department. No septic tank or cesspool shall be permitted to discharge to waters of Tennessee.

(e) The owner shall operate and maintain the private domestic wastewater disposal facilities in a sanitary manner at all times, at no expense to the city. When the public sewer becomes available, the building sewer, or the septic tank effluent line shall be connected to the

public sewer within sixty (60) days of the date of availability and the private sewage disposal system should be cleaned of sludge and if no longer used as a part of the city's treatment system, filled with suitable material.

(f) No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the White County Health Department. (1978 Code, § 8-303, as replaced by Ord. #99-720, Nov. 1999, and Ord. #08-830, Aug. 2008)

18-105. Regulation of holding tank waste disposal. (1) Permit. No person, firm, association or corporation shall clean out, drain, or flush any septic tank or any other type of wastewater or excreta disposal system, unless such person, firm, association, or corporation obtains a permit from the manager to perform such acts or services. Any person, firm, association, or corporation desiring a permit to perform such services shall file an application on the prescribed form. Upon any such application, said permit shall be issued by the manager when the conditions of this chapter have been met and providing the manager is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner. Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste.

(2) Fees. For each permit issued under the provisions of this chapter an annual service charge (to be paid as specified in § 18-111) shall be paid to the city. Any such permit granted shall be for one (1) fiscal year or fraction of the fiscal year, and shall continue in full force and effect from the time issued until the ending of the fiscal year, unless sooner revoked, and shall be nontransferable. The number of the permit granted hereunder shall be plainly painted on each side of each motor vehicle used in the conduct of the business permitted hereunder.

(3) Designated disposal locations. The city shall designate approved locations for the emptying and cleansing of all equipment used in the performance of the services rendered under the permit herein provided for, and it shall be a violation hereof for any person, firm, association or corporation to empty or clean such equipment at any place other than a place so designated.

(4) Revocation of permit. Failure to comply with all the provisions of this chapter shall be sufficient cause for the revocation of such permit by the city. The possession within the service area by any person of any motor vehicle equipped with a body type and accessories of a nature and design capable of serving a septic tank of wastewater or excreta disposal system cleaning unit shall be prima facie evidence that such person is engaged in the business of cleaning, draining, or flushing septic tanks or other wastewater or excreta disposal systems within the service area of the City of Sparta. (1978 Code, § 8-304, as replaced by Ord. #99-720, Nov. 1999, and Ord. #08-830, Aug. 2008)

18-106. Applications for domestic wastewater discharge and industrial wastewater discharge permits. (1) Application for discharge of domestic wastewater. All users or prospective users which generate domestic wastewater shall make application to the manager for written authorization to discharge to the municipal wastewater treatment system. Applications shall be required from all new dischargers as well as for any existing discharger desiring additional service. Connection to the city sewer shall not be made until the application is received and approved by the manager, the building sewer is installed in accordance with § 18-102 of this chapter and an inspection has been performed by the city or its representative.

The receipt by the city of a prospective customer's application for service shall not obligate the city to render the service. If the service applied for cannot be supplied in accordance with this chapter and the city's rules and regulations and general practice, the connection charge will be refunded in full, and there shall be no liability of the city to the applicant for such service, except that conditional waivers for additional services may be granted by the manager for interim periods if compliance may be assured within a reasonable period of time.

(2) Industrial wastewater discharge permits. (a) General requirements. All industrial users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing industrial users connected to or contributing to the POTW shall acquire a permit within one hundred eighty (180) days after the effective date of this chapter.

(b) Applications. Applications for wastewater discharge permits shall be required as follows:

(i) Users required to obtain a wastewater discharge permit shall complete and file with the manager, an application in the form prescribed by the city accompanied by the appropriate fee. Existing users shall apply for a wastewater discharge permit within one hundred eighty (180) days after the effective date of this chapter, and proposed new users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW.

(ii) The application shall be in the prescribed form of the city and shall include, but not be limited to the following information: name, address, and SIC number of applicant; wastewater volume; wastewater constituents and characteristic, discharge variations - daily, monthly, seasonal and thirty (30) minute peaks; a description of all toxic materials handled on the premises, site plans, floor plans, mechanical and plumbing plans and details showing all sewers and appurtenances by size, location and elevation; a description of existing and proposed pretreatment and/or equalization facilities and any other information deemed necessary by the manager.

(iii) Any user who elects or is required to construct new or additional facilities for pretreatment shall as part of the application for wastewater discharge permit submit plans, specifications and other pertinent information relative to the proposed construction to the manager for approval. Plans and specifications submitted for approval must bear the seal of a professional engineer registered to practice engineering in the State of Tennessee. A wastewater discharge permit shall not be issued until such plans and specifications are approved. Approval of such plans and specifications shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this chapter.

(iv) If additional pretreatment and/or other operation and maintenance will be required to meet the pretreatment standards, the application shall include the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. For the purpose of this paragraph, "pretreatment standard," shall include either a national pretreatment standard or a pretreatment standard imposed by § 18-107 of this chapter.

(v) The city will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the city may issue a wastewater discharge permit subject to terms and conditions provided herein.

(vi) The receipt by the city of a prospective customer's application for wastewater discharge permit shall not obligate the city to render the wastewater collection and treatment service. If the service applied for cannot be supplied in accordance with this chapter or the city's rules and regulations and general practice, the application shall be rejected and there shall be no liability of the city to the applicant of such service.

(vii) The city will act only on applications containing all the information required in this section. Persons who have filed incomplete applications will be notified by the manager that the application is deficient and the nature of such deficiency and will be given thirty (30) days to correct the deficiency. If the deficiency is not corrected within thirty (30) days or within such extended period as allowed by the city, the city shall deny the application and notify the applicant in writing of such action.

(c) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the city.

(i) Permits must be enforceable and contain, at a minimum, the following conditions:

(A) Statement of duration (in no case more than five (5) years);

(B) Statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;

(C) Effluent limits based on applicable general pretreatment standards in 40 CFR part 403, categorical pretreatment standards, local limits, and state and local law;

(D) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards in part 403, categorical pretreatment standards, local limits, and state and local law;

(E) Statement of applicable civil and criminal penalties for violation of pretreatment standards and the requirements of any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines.

(F) Requirements for notification of the city of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.

(G) Requirements for notification of slug discharges.

(H) Effluent limits, including best management practices, based on applicable pretreatment standards.

(ii) Additionally, permits may contain the following:

(A) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

(B) Requirements for installation and maintenance of inspections and sampling facilities;

(C) Compliance schedules;

(D) Effluent mass loading restrictions;

(E) Other conditions as deemed appropriate by the city to ensure compliance with this chapter.

(d) Permit modifications. Within nine (9) months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. A user with an existing wastewater discharge permit shall submit to the manager within one hundred eighty (180) days after the promulgation of an applicable federal categorical pretreatment standard the information required by §§ 18-106(2)(b)(ii) and (iii). The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in this permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(e) Permits duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit.

(f) Permit transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the city. Any succeeding owner or user shall also comply with the terms and conditions of the existing wastewater discharge permit. The City of Sparta shall provide a copy of the existing permit to the new owner within thirty (30) days.

(g) Revocation of permit. Any permit issued under the provisions of the chapter is subject to be modified suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

(i) Violation of any terms or conditions of the wastewater discharge permit or other applicable federal, state, or local law or regulation.

(ii) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts.

(iii) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

(iv) Intentional failure of a user to accurately report the discharge constituents and characteristics or to report significant changes in plant operations or wastewater characteristics.

(3) Confidential information. All information and data on a user obtained from reports, questionnaire, permit application, permits and

monitoring programs and from inspection shall be available to the public or any governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the manager that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the users.

When requested by the person furnishing the report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available to governmental agencies for use; related to this chapter or the city's or user's NPDES permit. Provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the city as confidential shall not be transmitted to any governmental agency or to the general public by the manager until and unless prior and adequate notification is given to the user. (1978 Code, § 8-305, as replaced by Ord. #99-720, Nov. 1999, and Ord. #08-830, Aug. 2008)

18-107. Discharge regulations. (1) General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation and performance of the POTW or any pollutant or wastewater that causes pass through or interference. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW:

(a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time, shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over twenty percent (20%) of the lower explosive limit (LEL) of the meter. Prohibited are other substances which the city, the state or EPA has notified the user is a fire hazard or a hazard to the system. Any wastestream that has a flashpoint of less than one hundred eighty degrees Fahrenheit (180° F) or sixty degrees Centigrade (60° C) using the test methods specified in 40 CFR part 261.21.

(b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, paunch

manure, bones, hair, hides, or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(c) Any wastewater having a pH less than 5.0 or higher than 9.5 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

(d) Any wastewater containing any toxic pollutants, chemical elements, or compounds in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, causing acute worker health and safety problems, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to section 307(a) of the Act.

(e) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance, hazard to life, are sufficient to prevent entry into the sewers for maintenance and repair.

(f) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with 40 CFR part 503 or under section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

(g) Any substances which will cause the POTW to violate its NPDES permit or the receiving water quality standards.

(h) Any wastewater causing discoloration of the wastewater treatment plant effluent to the extent that the receiving stream water quality requirements would be violated, such as, but not limited to, dye wastes and vegetable tanning solutions.

(i) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature which exceeds forty degrees Centigrade (40° C) (one hundred four degrees Fahrenheit (104° F)) at its introduction to the POTW.

(j) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.

(k) Any waters or wastes causing an unusual volume of flow or concentration of waste constituting "slug" as defined herein.

(l) Any wastewaters containing any radioactive wastes or isotopes of such halflife or concentration as may exceed limits established by the manager in compliance with applicable state or federal regulations.

(m) Any wastewater which causes a hazard to human life or creates a public nuisance.

(n) Any waters or wastes containing fats, wax, grease, or oil, whether emulsified or not, in excess of one hundred (100) mg/l monthly average or (300) mg/l daily maximum concentration or containing substances which may solidify or become viscous at temperature between thirty-two or one hundred fifty degrees Fahrenheit (32°-150° F) (zero and sixty-five degrees Centigrade (0° and 65° C)).

(o) Any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the manager and the Tennessee Department of Environment and Conservation. Industrial cooling water or unpolluted process waters may be discharged on approval of the manager and the Tennessee Department of Environment and Conservation, to a storm sewer or natural outlet.

(p) Any water or wastes containing petroleum oil, nonbiodegradable cutting oil, or products of mineral origin in amounts which will cause pass through or interference.

(q) Any trucked or hauled pollutants except at discharge points designated by the POTW.

(r) Any wastes prohibited by the city's FOG management policy.

(2) Restrictions on wastewater strength. No person or user shall discharge wastewater which exceeds the standards set by the city unless an exception is permitted as provided in this chapter. Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered in violation of this chapter.

(3) Fats, oils and grease traps and interceptors. (a) All prohibitions and requirements related to the discharge, treatment, and control of FOG waste can be found in the City of Sparta FOG Management Policy and the Sparta Food Service Establishment Enforcement Response Guide.

(b) Sand, soil, and oil interceptors. All car washes, truck washes, garages, service stations and other sources of sand, soil, and oil shall install effective sand, soil, and oil interceptors. These interceptors shall be sized to effectively remove sand, soil, and oil at the expected flow rates. The interceptors shall be cleaned on a regular basis to prevent impact upon the wastewater collection and treatment system. Owners

whose interceptors are deemed to be ineffective by the manager may be asked to change the cleaning frequency or to increase the size of the interceptors. Owners or operators of washing facilities will prevent the inflow of rainwater into the sanitary sewers.

(c) Laundries. Commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage into the sewer system of solids one-half inch (1/2") or larger in size such as strings, rags, buttons, or other solids detrimental to the system.

(d) Control equipment. The equipment of facilities installed to control FOG, food waste, sand and soil, must be designed in accordance with the Standard Plumbing Code and Tennessee Department of Environment and Conservation engineering standards. Underground equipment shall be tightly sealed to prevent inflow of rainwater and easily accessible to allow regular maintenance. Control equipment shall be maintained by the owner or operator of the facility so as to prevent a stoppage of the public sewer, and the accumulation of FOG in the lines, pump stations and treatment plant. If the city is required to clean out the public sewer lines as a result of a stoppage resulting from poorly maintained control equipment, materials and overhead costs to the city. Nothing in this subsection shall be construed to prohibit or restrict any other remedy the city has under this chapter, or state or federal law, or the FOG management policy.

The city retains the right to inspect and approve installation of control equipment.

(e) The city may use industrial wastewater discharge permits under § 18-106 to regulate the discharge of fat, oil and grease.

(4) Protection of treatment plant influent. The city shall monitor the treatment works influent for each parameter in the following table. (Table A - Plant Protection Parameters). Industrial users shall be subject to reporting and monitoring requirements regarding these parameters as set forth in this chapter. No one shall discharge at a rate to cause the influent to exceed these established limits. In the event that the influent at the POTW reaches or exceeds the levels established by this table, the city shall initiate technical studies to determine the cause of the influent violation and shall recommend to the city the necessary remedial measures, including, but not limited to, recommending the establishment of new or revised pre-treatment levels for these parameters. The city shall also recommend changes to any of these criteria in the event that: the POTW effluent standards are changed, there are changes in any applicable law or regulation affecting same, or changes are needed for more effective operation of the POTW.

Table A-Plant Protection Parameters

Parameter Daily Maximum (mg/l)	Industry
Copper	1.550
Chromium	1.150
Nickel	0.800
Cadmium	0.093
Lead	0.210
Mercury	0.003
Silver	0.070
Zinc	3.000
Cyanide	0.850
Toluene	0.750
Benzene	0.040
1,1,1 Trichloroethane	0.750
Ethylbenzene	0.125
Carbon tetrachloride	0.095
Chloroform	0.750
Tetracloroethylene	0.430
Trichloroethylene	0.300
1,2 trans dichloroethylene	0.030
Methylene chloride	0.300
Total phenols	1.100
Naphthalene	0.020
Total phthalates	0.350
BOD	800
TSS	800
pH	5.0-9.5 (units)
Oil and grease	300

(5) Federal categorical pretreatment standards. Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The city shall notify all affected users of the applicable reporting requirements under 40 CFR, section 403.12.

(6) Right to establish more restrictive criteria. No statement in this chapter is intended or may be construed to prohibit the manager from establishing specific wastewater discharge criteria more restrictive where wastes are determined to be harmful or destructive to the facilities of the POTW or to create a public nuisance, or to cause the discharge of the POTW to violate effluent or stream quality standards, or to interfere with the use or handling of sludge, or to pass through the POTW resulting in a violation of the NPDES permit, or to exceed industrial pretreatment standards for discharge to municipal wastewater treatment systems as imposed or as may be imposed by the Tennessee Department of Environment and Conservation and/or the United States Environmental Protection Agency.

(7) Special agreements. Nothing in this section shall be construed so as to prevent any special agreement or arrangement between the city and any user of the wastewater treatment system whereby wastewater of unusual strength or character is accepted into the system and specially treated subject to any payments or user charges as may be applicable. The making of such special agreements or arrangements between the city and the user shall be strictly limited to the capability of the POTW to handle such wastes without interfering with unit operations or sludge use and handling or allowing the pass through of pollutants which would result in a violation of the NPDES permit. No special agreement or arrangement may be made without documentation by the industry of the use of good management practice in the reduction of wastewater volume and strength.

(8) Exceptions to discharge criteria. (a) Application for exception. Non-residential users of the POTW may apply for a temporary exception to the prohibited and restricted wastewater discharge criteria listed in § 18-106(1) and (2) of this chapter. Exceptions can be granted according to the following guidelines:

(i) The city shall allow applications for temporary exceptions at any time. However, the city shall not accept an application if the applicant has submitted the same or substantially similar application within the preceding year and the same has been denied by the city.

(ii) All applications for an exception shall be in writing and shall contain sufficient information for evaluation of each of

the factors to be considered by the city in its review of the application.

(b) Conditions. All exceptions granted under this paragraph shall be temporary and subject to revocation at any time by the city upon reasonable notice. The user requesting the exception must demonstrate to the city that he is making a concentrated and serious effort to maintain high standards of operation control and housekeeping levels, etc., so that discharges to the POTW are being minimized. If negligence is found, permits will be subject to termination. The user requesting the exception must demonstrate that compliance with stated concentration and quantity standards is technically infeasible and the discharge, if excepted, will not:

(i) Interfere with the normal collection and operation of the wastewater treatment system;

(ii) Limit the sludge management alternatives available and increase the cost of providing adequate sludge management; and

(iii) Pass through the POTW in quantities and/or concentrations that would cause the POTW to violate its NPDES permit. The user must show that the exception, if granted, will not cause the discharger to violate its enforce federal pretreatment standards unless the exception is granted under the provisions of the applicable pretreatment standards. A surcharge shall be applied to any exception granted under this subsection. These surcharges shall be applied for the concentration of the pollutant for which the variance has been granted in excess of the allowable concentration set by the city, based on the average daily flow of the user.

(c) Review of application by the city. All applications for an exception shall be reviewed by the city. If the application does not contain sufficient information for complete evaluation, the city administrator shall so notify the applicant of the deficiencies and request additional information. The applicant shall have thirty (30) days following notification by the manager to correct such deficiencies. This thirty (30) day period may be extended by the city upon application and for just cause shown. Upon receipt of a complete application, the city shall evaluate same within thirty (30) days and shall submit his recommendations to the city at its next regularly scheduled meeting.

(d) Review of application by the city. The city shall review and evaluate all applications and shall take into account the following factors:

(i) Whether or not the applicant is subject to a national pretreatment standard containing discharge limitations more stringent than those in § 18-106, and grant an exception only if

such exception may be granted within the limitations of applicable federal requirements.

(ii) Whether or not the exception would apply to discharge of a substance classified as a toxic substance under regulations promulgated by the Environmental Protection Agency under the provisions of section 307(a) of the Act (33 U.S.C. 1317), and then grant an exception only if such exception may be granted within the limitations of applicable federal regulations.

(iii) Whether or not the granting of an exception would create conditions that would reduce the effectiveness of the treatment works, taking into consideration the concentration of said pollutant in the treatment works influent and the design capability of the treatment works.

(iv) The cost of pretreatment or other types of control techniques which would be necessary for the user to achieve effluent reduction, but prohibitive costs alone shall not be the basis for granting an exception.

(v) The age of equipment and industrial facilities involved to the extent that such factors affect the quality or quantity of the wastewater discharge.

(vi) The process employed by the user and process changes available which would affect the quality or quantity of wastewater discharge.

(vii) The engineering aspects of various types of pretreatment or other control techniques available to the user to improve the quality or quantity of wastewater discharge.

(9) Accidental discharge. (a) Protection from accidental discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW of waste regulated by this chapter from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in-plant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this chapter. The wastewater discharge permit of any user who has a history of significant leaks, spills, or other accidental discharge of waste regulated by this chapter shall be subject (on a case by case basis) to a special permit condition or requirement for the construction of facilities, and the establishment of procedures which will prevent or minimize the potential for such accidental discharge. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's expense. Detailed plans showing the facilities and operating procedures shall be submitted to the manager before the facility is constructed.

(10) Slug and slug control. The City of Sparta shall evaluate whether each such significant industrial user needs a plan or other action to control slug discharges. For industrial users identified as significant prior to November 14, 2005, this evaluation must have been conducted at least once by October 14, 2006; additional significant industrial users must be evaluated within one (1) year of being designated a significant industrial user. For purposes of this subsection, a slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions. The results of such activities shall be available to the approval authority upon request. Significant industrial users are required to notify the POTW immediately of any changes at its facility affecting potential for a slug discharge. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

(a) Description of discharge practices, including non-routine batch discharges;

(b) Description of stored chemicals;

(c) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under 40 CFR part 403.5(b) with procedures for follow-up written notification within five (5) days;

(d) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response;

(11) The City of Sparta shall investigate instances of noncompliance with pretreatment standards and requirements, as indicated in the reports and notices required under40 CFR part 403.12, or indicated by analysis, inspection, and surveillance activities described in paragraph 40 CFR 403.8 (f)(2)(v) of this section. Sample taking and analysis and the collection of other information shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions; and

(12) The City of Sparta shall comply with the public participation requirements of 40 CFR part 25 in the enforcement of national pretreatment standards. These procedures shall include provision for at least annual public notification in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW of industrial users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment requirements. For the purposes of this provision, a significant industrial user (or any industrial user which violates

paragraphs (c), (d), or (h) of this subsection) is in significant noncompliance if its violation meets one or more of the following criteria:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(1);

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements taken for the same pollutant parameter during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 CFR 403.3(1) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

(c) Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(1) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f)(1)(vi)(B) of this section to halt or prevent such a discharge;

(e) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide, within forty-five (45) days after the due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance;

(h) Any other violation or group of violations, which may include a violation of best management practices, which the POTW determines will adversely affect the operation or implementation of the local pretreatment program. The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility to provide the protection necessary to meet the requirements of this chapter.

(b) Notification of accidental discharge. Any person causing or suffering from any accidental discharge shall immediately (in no case longer than twenty-four (24) hours) notify the manager (or his designated

representative) by telephone to enable countermeasures to be taken by the manager to minimize damage to the POTW, the health and welfare of the public, and the environment.

This notification shall be followed, within five (5) days of the date of occurrence, by a detailed written statement describing the cause of the accidental discharge and the measures being taken to prevent future occurrences.

Such notification shall not relieve the user of liability for any expense, loss, or damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or state or federal law, or the city's approved enforcement response plan.

(c) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (1978 Code, § 8-306, as replaced by Ord. #99-720, Nov. 1999, and Ord. #08-830, Aug. 2008)

18-108. Industrial user monitoring, inspection reports, records access, and safety. (1) Monitoring facilities. The installation of a monitoring facility shall be required for all industrial users having wastes which receive pretreatment, are otherwise altered or regulated before discharge, or are unusually strong and hereby subject to a surcharge, or otherwise deemed necessary by the city. The monitoring facility shall be a manhole or other suitable facility approved by the city.

When, in the judgment of the city, there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user the manager may require that separate monitoring facilities be installed for each separate source of discharge.

Monitoring facilities that are required to be installed shall be constructed and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewater produced by a user. If sampling or metering equipment is also required by the manager, it shall be provided and installed at the user's expense.

The monitoring facility will normally be required to be located on the user's premises outside of the building. The city may, however, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street right-of-way with the approval of the public agency having jurisdiction of that right-of-way and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expenses of the user.

Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the manager's requirements and all applicable local agency construction standards and specifications. Construction must be completed within one hundred eighty (180) days following written notification unless an extension is granted by the manager.

(2) Inspection and sampling. The city shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or their representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination or in the performance of any of their duties. The city, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. The city shall perform repeat sampling and analysis for samples taken by the control authority (City of Sparta) in accordance with CFR [403.12(g)(2) and 1200-4-14.12(7)(b)] Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibility. All sampling will by the City of Sparta or the industrial user will be done in accordance with 40 CFR part 136.

(3) Compliance date report. Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the manager a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment requirements. The report shall state whether the applicable pretreatment requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user.

(4) Periodic compliance reports. (a) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall summit to the city during the months of

April and October, unless required more frequently in the pretreatment standard or by the manager, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards and requirements. This report shall include a record of measured or estimated average and maximum daily flows. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the manager and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the manager may agree to alter the months during which the above reports are to be submitted.

(b) The city may impose mass limitations on users where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (a) of this paragraph shall indicate the mass of pollutants regulated by pretreatment requirements in the effluent of the user.

(c) The reports required by this section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration or production and mass where requested by the city of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the wastewater discharge permit or the pretreatment standard. All analysis shall be performed in accordance with procedures established by the administrator pursuant to section 304(g) of the Act and contained in 40 CFR 136, part and amendments thereto. Sampling shall be performed in accordance with techniques approved by the administrator.

(5) Maintenance of records. Any industrial user subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:

(a) The date, exact place, method, and time of sampling and the names of the persons taking the samples;

(b) The dates analyses were performed;

(c) Who performed the analyses;

(d) The analytical techniques/methods used; and

(e) The results of such analyses.

Any industrial user subject to the reporting requirement established in this section shall be required to retain for a minimum of three (3) years all records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the manager, Director of the Division of Water Pollution Control, Tennessee Department of Environment and Conservation or the Environmental Protection Agency, or any of their duly authorized representatives. This period of retention shall be extended during the course of

any unresolved litigation regarding the industrial user or when requested by the manager, the approval authority, or the Environmental Protection Agency.

(6) Safety. While peliorming the necessary work on private properties, the manager or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the monitoring and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

(7) Self-monitoring. Significant industrial users shall be required to self-monitor their effluent discharge to the POTW. The industrial user must meet the following criteria:

(a) All SIUs shall resample, within 30 days after self monitoring violations as required by 40 CFR part 403.12(g)(2).

(b) Sampling shall be representative of the industry's discharge as required by 40 CFR part 403.12(g)(3).

(c) SIUs shall notify The City of Sparta immediately if there is a discharge of hazardous waste as required by 40 CFR part 403.12(p).

(d) SIU reports must be certified by a duly authorized official as required by 40 CFR part 403.12(1), and § 18-101(2)(c) of this document.

(e) All SIUs shall submit all monitoring data to the City of Sparta as required by 40 CFR part 403.12(g)(6).

(f) Parameters that shall be sampled are listed in the SIUs individual permit. All of the samples shall be taken according to 40 CFR part 403.12(g)(3). All samples must be sampled either by composite or grab samples as specified by 40 CFR part 403.12(g)(3) or in the industries permit. All industries must self monitor a minimum of twice a year. In addition the City of Sparta shall peliorm compliance monitoring at least once every twelve (12) months in accordance with Tennessee Rule 1200-4-14.

(g) A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the control authority may authorize a lower minimum as required by 40 CFR part 403.12(g)(4).

(h) The City of Sparta shall be able to seek injunctive relief for noncompliance by industrial users with pretreatment standards and requirements. The City of Sparta shall also have authority to seek or assess civil or criminal penalties in at least the amount of one thousand dollars ($1,000.00) a day for each violation by industrial users of

pretreatment standards and requirements. (1978 Code, § 8-307, as replaced by Ord. #99-720, Nov. 1999, and Ord. #08-830, Aug. 2008)

18-109. Enforcement. (1) Enforcement shall be administered in accordance with the city's Enforcement Response Plan (ERP). Any fines will be levied in accordance with WQC Act, § 69-3-125.

(1) Notice of violation. Whenever the manager finds that any industrial user has violated or is violating this chapter, or a wastewater permit or order issued there under, the manager may serve upon said user written notice of the violation. Within ten (10) days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the manager. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation.

(2) Administrative order. When the manager finds that an industrial user has violated or continues to violate the ordinance or a permit or order issued there under, the manager may issue an order to the industrial user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated.

Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring and management practices.

(3) Show cause hearing. When the manager finds that an industrial user has violated this chapter or permit, he may order any industrial user which causes or contributes to a violation of this chapter or wastewater permit or order issued hereunder, to show cause before the mayor and city board why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, and the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any principal executive, general partner, or corporate officer. Whether or not a duly notified industrial user appears as noticed, immediate enforcement action may be pursued.

(4) Administrative fines. Notwithstanding any other section of this chapter, any user who is found to have violated any provision of this chapter, or permits and orders issued hereunder, shall be fined not less than fifty dollars ($50.00) and not to exceed one thousand dollars ($1,000.00) per violation. Each day on which noncompliance shall occur or be continued shall be deemed a separate and distinct violation. Such assessments may be added to the user's next scheduled sewer service charge and the city shall have such other collection

remedies as it has to collect other service charges. Unpaid charges, fines, and penalties shall constitute a lien against the individual user's property. Industrial users desiring to dispute such fines must file a request for the city to reconsider the fine within ten (10) days of being notified of the fine. Where the manager believes a request has merit, he shall convene a hearing on the matter within fifteen (15) days of receiving the request from the industrial user.

(5) Emergency suspensions. When the manager finds that an individual user has violated this chapter or permit, the city may suspend the wastewater treatment service and/or wastewater permit of an industrial user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment.

Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate this contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the city shall take such steps as deemed necessary, including immediate severance of the sewer connection to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The city shall allow the user to recommence its discharge when the endangerment has passed, unless the termination proceedings set forth in § 18-108(6) are initiated against the user.

An industrial user which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the city prior to the date service is reestablished.

(6) Termination of permit. Significant industrial users proposing to discharge into the POTW must first obtain a wastewater discharge permit from the City of Sparta. Any user who is found to be guilty of any of the following conditions resulting in violation of this chapter or of a wastewater discharge permit or order, or any applicable state or federal law, is subject to permit termination:

(a) Violation of permit conditions;

(b) Failure to accurately report the wastewater constituents and characteristics of its discharge;

(c) Failure to report significant changes in operations or wastewater constituents and characteristics; and

(d) Refusal of reasonable access to user's premises for the purpose of inspection, monitoring, or sampling. Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and be offered an opportunity to show cause under § 18-109(3) of this chapter why the proposed action should not be taken.

(7) Judicial remedies. If any person discharges sewage, industrial wastes, or other wastes into the wastewater disposal system contrary to the provisions of this chapter or any order or permit issued hereunder, the manager

through the city attorney may commence an action for appropriate legal and/or equitable relief in the Chancery Court of White County.

(8) Civil penalties. Any industrial user who has violated or continues to violate this chapter or any order or permit hereunder shall be liable to the city for a civil penalty of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00), plus actual damages incurred by the POTW per violation per day for as long as the violation continues. In addition to the above described penalty and damages, the city may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

The city shall petition the court to impose, assess, and recover such sums. In determining amount of liability, the court shall take into account all relevant circumstances including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the industrial user's violation, corrective actions by the industrial user, the compliance history of the user, and any other factor as justice requires.

(9) Criminal prosecution. (a) Violations-generally. Any industrial user who willfully or negligently violates any provision of this chapter or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars ($1,000.00) per violation per day or imprisonment for not more than one (1) year, or both. In the event of a second conviction, the user shall be punishable by a fine not to exceed three thousand dollars ($3,000.00) per violation per day, or imprisonment for not more than three (3) years, or both.

(b) Falsifying information. Any industrial user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other document filed or required to be maintained pursuant to this chapter, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of not more than one thousand dollars ($1,000.00) per violation per day or imprisonment for not more than one (1) year, or both.

(10) Supplemental enforcement remedies. (a) Annual publication of significant violations. When the superintendent finds that an industrial user has violated this chapter or permit, the manager shall publish, at least annually in the largest daily newspaper circulated in the service area, a description of those industrial users which are found to be in significant noncompliance, as defined in § 18-101(2)(kk) of this document, with any provisions of this chapter or any permit or order issued hereunder during the period since the previous publication.

(b) Water supply severance. Whenever an industrial user has violated or continues to violate the provisions of this chapter or an order or permit issued hereunder, water service to the industrial user may be

severed and service will only recommence (at the user's expense) after it has satisfactorily demonstrated its ability to comply.

(11) FOG Enforcement. Any Food Service Establishments (FSEs) permitted, or subject to permitting, in accordance with the established FOG management policy is subject to the enforcement mechanisms outlined in the city's FSE Enforcement Response Guide. No FSE permitted under the FOG program is excluded from the conditions and requirements stipulated by this SUO. Nor are they exempt from additional enforcement as described in the city's ERP. (1978 Code, § 8-308, as replaced by Ord. #99-720, Nov. 1999, and Ord. #08-830, Aug. 2008)

18-110. Affirmative defenses. (1) Treatment upsets. Any industrial user which experiences an upset in operations that places it in a temporary state of noncompliance which is not the result of operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation shall inform the manager thereof immediately upon becoming aware of the upset. Where such information is given orally, a written report thereof shall be filed by the user within five (5) days.

The report shall contain:

(a) A description of the upset, its cause(s), and impact on the discharger's compliance status.

(b) The duration of noncompliance, including exact dates and times of noncompliance and if the noncompliance is continuing, the time by which compliance is reasonably expected to be restored.

(c) All steps taken or planned to reduce, eliminate, and prevent reoccurrence of such an upset. An industrial user which complies with the notification provisions of this paragraph in a timely manner shall have an affirmative defense to any enforcement action brought by the manager for any noncompliance with this chapter, or an order or permit issued hereunder which arises out of violations attributable to, and alleged to have occurred, during the period of the documented and verified upset.

(2) Treatment bypasses. A bypass of the treatment system is prohibited unless all of the following conditions are met:

(a) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.

(b) There was no feasible alternative to the bypass including the use of auxiliary treatment or retention of the wastewater.

(c) The industrial user properly notified the manager as described below. Industrial users must provide immediate notice to the manager upon discovery of an unanticipated bypass. If necessary, the manager may require the industrial user to submit a written report explaining the cause(s), nature, and duration of the bypass and the steps being taken to prevent its reoccurrence.

An industrial user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to insure efficient operation of the treatment system. Industrial users anticipating a bypass must submit notice to the manager at least ten (10) days in advance. The manager may only approve the anticipated bypass if the circumstances satisfy those set forth above. (1978 Code, § 8-309, as replaced by Ord. #99-720, Nov. 1999, and Ord. #08-830, Aug. 2008)

18-111. Fees and billing. (1) Purpose. It is the purpose of this chapter to provide for the equitable recovery of costs from user's of the city's wastewater treatment system including costs of operation, maintenance, administration, debt service costs, capital improvements, and depreciation.

(2) Types of charges and fees. The charges and fees as established in the city's schedule of charges and fees may include but are not limited to:

(a) Fees for applications for discharge;
(b) Inspection fee and tapping fee;
(c) Sewer charges;
(d) Surcharge fees;
(e) Industrial wastewater discharge permit fees;
(f) Fees for industrial discharge monitoring; and
(g) FSE FOG permit, monitoring, and inspection fees.
(h) Other fees as the city may deem necessary to carry out the requirements of this chapter.

(3) Fees for applications for discharge. A fee may be charged when a user or prospective user makes application for discharge as required by § 18-106 of this chapter.

(4) Inspection fee and tapping fee. An inspection fee and tapping fee for a building sewer installation shall be paid to the Sparta Electric and Water Systems at the time the application is filed. Fees shall cover the costs of inspecting new and/or existing plumbing within subject building establishments as well as inspection of building sewers, property sewers, and sewer service lines and connections to the public sewers. The inspection fee and tapping fee shall be set by the board of mayor and aldermen.

(5) Sewer charge. (a) Determination of costs: The board of mayor and aldermen shall establish monthly rates and charges for the use of the wastewater system and for the services supplied by the wastewater system. Said charges shall be based upon the cost categories of administration costs (including billing and accounting costs), operation and maintenance costs of the wastewater collection and treatment systems (including replacement), and debt service costs. The sewer charge shall have two (2) components, namely: user charge and debt service costs.

(b) User charge. (i) The user charge shall reflect the costs of administration, and operation and maintenance (including replacement) of the public sewerage facilities.

(ii) Each user shall pay its proportionate share of administration, and operation and maintenance (including replacement) costs based on volume of flow.

(iii) The manager of the sewerage facilities shall review not less often than every two (2) years the sewage contributions of users, the total costs of administration and operation and maintenance (including replacement) of the sewerage facilities and the user charge system. The manager shall recommend to the board of mayor and aldermen the user charge (if necessary) to accomplish the following:

(A) Maintain the proportionate distribution of administration and operation and maintain costs (including replacement) among users as provided herein; and

(B) Generate sufficient revenue to pay the total administration and operation and maintenance costs (including replacement) of the sewerage facilities.

(iv) All flow to the sewerage facilities not directly attributable to the users (i.e., infiltration/inflow) shall be distributed among all users of the sewerage facilities based upon the volume of flow of the users.

(v) Each user shall be notified at least annually (in conjunction with a regular bill) of the rate and that portion of the sewer user charge which is attributable to administration, and operation and maintenance of the sewerage facilities.

(c) Debt service costs. The sewer charge shall also contain a component to reflect the costs of debt service incurred in conjunction with capital expenditures that have previously been made or may be made in the future to improve, upgrade, or extend the public sewerage facilities.

(d) Adjustments. The volume of water purchased which is used in the calculation of sewer charge may be adjusted by the manager if a user purchases a significant volume of water for a consumptive use and does not discharge it to the public sewers (i.e., filling swimming pools, industrial heating and humidifying equipment, etc.). The user may be responsible for documenting the quantity of waste discharged to the public sewer.

(6) Surcharge fee. (a) Should a user of the wastewater system be determined by the manager to be discharging wastewater into the system with an average biochemical oxygen demand (BOD) content in excess of three hundred (300) mg/l by weight, and/or an average suspended solids (SS) content in excess of three hundred (300) mg/l by weight, the users shall pay a surcharge based upon the excess strength of their wastes.

(b) The costs of treatment for each pound of BOD and SS removed by the sewerage facilities shall be reviewed at the end of each fiscal year and appropriate surcharge rates applied to the sewage billing. These rates shall be in effect until the next annual rate review.

(c) When either or both the biochemical oxygen demand or the suspended solids quantities discharged into the treatment works is in excess of those described in § 18-111 (6)(a) above, the following formula shall be used to compute the appropriate surcharge fees with the total applied to the monthly bill of affected users:

$$[A(C-300)+B(D-300)]\frac{8.34}{1000}xExF=SurchargePayment(\$/mo.)$$

Where:
A =Surcharge rate for BOD in $/lb =$0.25
B =Surcharge rate for SS in $/lb =$0.25
C = Industrial user's BOD concentration in mg/l
D = Industrial user's SS concentration in mg/l
E =Industrial user's flow to sewerage facilities in 1,000 gallons/day
F = Number of days in month

(d) No reduction in sewage service charges, fees, or taxes shall be permitted because of the fact that certain wastes discharged to the sewerage facilities contain less than three hundred (300) mg/l of BOD and three hundred (300) mg/l of SS.

(e) If it is determined by the city that the discharge of other loading parameters or wastewater substances are creating excessive operation and maintenance costs within the wastewater system, whether collection or treatment, then the monetary effect of such a parameter or parameters shall be borne by the discharger of such parameters in proportion to the amount of discharge.

(7) Industrial wastewater discharge permit fees. A fee may be charged for the issuance of an industrial wastewater discharge permit in accordance with § 18-106 of this chapter.

(8) Fees for industrial discharge monitoring. Fees may be collected from industrial users having pretreatment or other discharge requirements to compensate the city for the necessary compliance monitoring and other administrative duties of the pretreatment program.

(9) Billing. The billing for normal domestic wastewater services shall consist of monthly billing in accordance with the rates specified by the city, subject to net and gross rates. (1978 Code, § 8-310, as replaced by Ord. #99-720, Nov. 1999, and Ord. #08-830, Aug. 2008)

18-112. Validity. This chapter and its provisions shall be valid for all service areas, regions, and sewage works under the jurisdiction of the City of Sparta, Tennessee. (1978 Code, § 8-311, as replaced by Ord. #99-720, Nov. 1999, and Ord. #08-830, Aug. 2008)

18-113. Extension of sanitary sewer service. (1) (a) The City of Sparta may of its own initiative, or when requested by property owners within an urban growth area, extend sanitary sewer service subsequent to annexation. In no event shall the city extend sewer service into an area that has not first been annexed into the City of Sparta.

(b) When the city sewer service is sought for property outside an urban growth area, extension of sanitary sewer service may be approved only after the urban growth area boundary has been amended and the property annexed into the city.

(c) Subject to item (b) above, any extension of sanitary sewer service shall be in compliance with a utility agreement with the developer to include:

(i) The city shall be provided an accurate legal description and the names of all owners and occupants of the property;

(ii) The city shall be provided a binding commitment by the owners of the property that all lines and facilities for such service will be completed to city standards in accordance with all city ordinances and regulations;

(iii) All costs involved in providing the lines and other facilities required for such service will be paid in full by the owners of the property; and ownership of all main lines, pumping and other facilities will vest in the city upon their completion and acceptance by the city;

(iv) The city shall be provided a bill of sale transferring the ownership of all main lines, pumping and other facilities constructed for such service to the city immediately upon their completion and acceptance by the city;

(v) The city shall be provided with easements satisfactory to allow entry upon private property for maintenance and repair of all main lines, pumping and other facilities constructed for such service which are not located within public rights-of-way, which easements shall be provided immediately upon completion of said main lines;

(vi) The city shall be provided accurate as-built plans of all lines, pumping and other facilities constructed for such service immediately upon their completion and acceptance by the city;

(vii) The city shall be provided a bond issued by a corporate surety authorized to do business in the State of

Tennessee to insure the successful operation of all lines, pumping and facilities constructed for such service for a period of two (2) years from the date service is commenced in such form that performance hereunder by the surety may be directly required by the city;

(viii) The city shall be provided a binding commitment by the owners and occupants of the property to pay all connection fees and other charges prescribed by city ordinances at the time of connection and all regular monthly service charges and outside utility surcharges prescribed by city ordinances during the period of service;

(ix) The utility agreement shall stipulate that any nondomestic users connected to this sewer extension are subject to all conditions of the city's approved pretreatment program, including the requirement for application of a discharge permit. The utility agreement shall further indicate that the manager, or duly authorized staff, have complete access and authority as necessary to implement the pretreatment program, including the ability to inspect and sample the nondomestic user on a regular basis.

(2) City not required to furnish sewer service. The city shall not have an express or implied obligation to provide sewer service to any property outside the city limits. This section shall not affect the city's existing policies and regulations for extending sanitary sewer services in areas that are currently located inside the corporate limits of the City of Sparta.

(3) Prior contracts not affected. This section shall not affect or alter the terms of any contract for such service entered into prior to the effective date of this section. (as added by Ord. #04-778, July 2004, and replaced by Ord. #08-830, Aug. 2008)

CHAPTER 2

CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.[1]

SECTION

18-201. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

(1) "Air gap." A physical separation between the free flowing discharge end of a potable water supply line and an open or non-pressurized receiving vessel.

(2) "Approved." Any condition, method, device, procedure accepted by the Tennessee Department of Environment and Conservation, Division of Water Supply, and the City of Sparta.

(3) "Approved air gap." An air gap separation with a minimum distance of at least twice the diameter of the supply line when measured vertically above the overflow rim of the vessel, but in no case less than one inch (1").

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[1]Municipal code references
Plumbing code: title 12.
Water and sewer system administration: title 18.
Wastewater treatment: title 18.

(4) "Auxiliary intake." Any piping connection or other device whereby water may be secured from any sources other than from the public water system.

(5) "Auxiliary water supply." Any water supply on or available to the premises other than water supplied by the public water system.

(6) "Backflow." The reversal of the intended direction of flow of water or mixtures of water and other liquids, gases, or other substances into the distribution pipes of a potable water system from any source.

(7) "Backflow prevention assembly." An approved assembly designed to prevent backflow.

(8) "Backpressure." A pressure in the downstream piping that is higher than the supply pressure.

(9) "Back-siphonage." Negative or sub-atmospheric pressure in the supply piping.

(10) "Bypass." Any system of piping or other arrangement whereby water may be diverted around a backflow prevention assembly, meter, or any other public water system controlled device.

(11) "Contaminant." Any substance introduced into the public water system that will cause illness or death

(12) "Contamination." The introduction or admission of any foreign substances that causes illness or death.

(13) "Cross-connection." Any physical arrangement whereby public water supply is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture or other device which contains, or may contain, contaminated water, sewage, or other waste or liquid of unknown or unsafe quality which may be capable of contaminating the public water supply as result of backflow caused by the manipulation of valves, because of ineffective check valves or backpressure valves or because of any other arrangement.

(14) "Cross-connection control manager." The person who is vested with the authority and responsibility for the implementation of the cross-connection control program and for the provision of this chapter.

(15) "Customer." Any natural or artificial person, business, industry, or governmental entity that obtains water, by purchase or without charge, from the water provider.

(16) "Direct cross-connection." An actual or potential cross-connection subject to back-siphonage and backpressure.

(17) "Double check detector assembly." A specially designed assembly composed of line size approved double check valve assembly, with a bypass containing a water meter and approved double check valve assembly specifically designed for such application. The meter shall register accurately for very low rates of flow up to three (3) gallons per minute and shall show a registration for all rates of flow. This assembly shall only be used to protect against non-health hazards and is designed primarily for use on fire sprinkler systems.

(18) "Double check valve assembly." An assembly of two (2) internally loaded check valves, either spring loaded or internally weighted, installed as a unit between tightly closing resilient seated shutoff valves and fitted with properly located resilient seated test cocks. This type of device shall only be used to protect against non-health hazard pollutants.

(19) "Failed." The status of a backflow prevention assembly determined by a performance evaluation based on the failure to meet all minimums set forth by the approved testing procedure.

(20) "Fire system classifications protection." The classes of fire protection systems, as designated by the American Water Works Association "M14" for cross-connection control purposes based on water supply source and the arrangement of supplies, are as follows:

(a) Class 1: Direct connection to the public water main only; non pumps, tanks, or reservoirs; no physical connection from other water supplies; no antifreeze or other additives of any kind; all sprinkler drains discharging to the atmosphere, dry well or other safe outlets.

(b) Class 2: Same as Class 1, except booster pumps may be installed in connection from the street mains.

(c) Class 3: Direct connection to public water supply mains in addition to anyone or more of the following: Elevated storage tanks; fire pumps taking suction from above ground covered reservoirs or tanks; and pressure tanks.

(d) Class 4: Directly supplied from public water supply mains, similar to Class 1 and Class 2, with and auxiliary water supply dedicated to fire department use and available to premises, such as an auxiliary supply located within one thousand seven hundred feet (1,700') of the pumper connection.

(e) Class 5: Directly supplied from public water supply mains and interconnection with auxiliary supplies such as pumps taking suction from reservoirs exposed to contamination, or from rivers, ponds, wells or industrial water systems; where antifreeze or other additives are used.

(f) Class 6: Combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks.

(21) "Hazard, degree of." A term derived from evaluation of the potential risk to public health and the adverse effect of the hazard upon the public water system.

(22) "Hazard, health." A cross-connection or potential cross-connection involving any substance that could, if introduced in the public water supply, caused death, illness, and spread disease. Also known as a high hazard.

(23) "Hazard, non-health." A cross-connection or potential cross-connection involving any substance that would not be a health hazard but would constitute a nuisance or be aesthetically objectionable if introduced into the public water supply. Also known as low hazard.

(24) "Hazard, plumbing." A cross-connection in a customer's potable water system plumbing that is not properly protected by an approved air gap or backflow prevention assembly.

(25) "Indirect cross-connection." An actual or potential cross-connection subject to back-siphonage only.

(26) "Industrial fluid." Any fluid or solution that may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration that could constitute a health, system, pollution, or plumbing hazard if introduced into the public water supply. This shall include, but is not limited to: polluted or contaminated water; all type of process water or used water originating from the public water system and that may have deteriorated in sanitary quality; chemicals; plating acids and alkalis; circulating cooling water connected to an open cooling lower; cooling towers that are chemically or biologically treated or stabilized with toxic substance; contaminated natural water systems; oil, gases, glycerin, paraffin, caustic, and acid solutions, and other liquids or gases used in industrial processes, or for fire purposes.

(27) "Inspection." An on-site evaluation of an establishment to determine if backflow prevention assemblies are needed by the customer to protect public water system from actual or potential cross-connections.

(28) "Interconnection." Any system of piping or other arrangement whereby a public water supply is connected directly with a sewer, drain, conduit, or other device, which does or may carry sewage or not.

(29) "Passed." The status of a backflow prevention assembly determined by a performance evaluation in which the assembly meets all minimums set forth by the approved testing procedure.

(30) "Performance evaluation." An evaluation of an approved double check valve assembly or reduced pressure principle assembly (including approved detector assemblies) using the latest approved testing procedures in determining the status of the assembly.

(31) "Pollutant." A substance in the public water system that would constitute a non-health hazard and would be aesthetically objectionable if introduced into the public water supply.

(32) "Pollution." The presence of a pollutant or substance in the public water system that degrades its quality so as to constitute a non-health hazard.

(33) "Potable water." Water that is safe for human consumption as prescribed by Tennessee Department of Environment and Conservation, Division of Water Supply.

(34) "Pressure vacuum breaker assembly." An assembly consisting of one (1) or two (2) independently operating spring loaded check valve(s) and an independently operating spring loaded air inlet valve located on the discharge side of the check valve(s), with tightly closing shutoff valve(s) on each side of the check valves and properly located test cocks for testing valves. This assembly is approved for internal use only and is not approved for premise isolation by the State of Tennessee.

(35) "Public water supply." An entity that furnishes potable water for general use and which is recognized as the public water supply by Tennessee Department of Environment and Conservation, Division of Water Supply.

(36) "Public water system." A water system furnishing water to the public for general use which is recognized as a public water supply by the State of Tennessee.

(37) "Reduced pressure principle assembly." An assembly consisting of two (2) independently acting approved check valves together with hydraulically operating, mechanically independent, pressure differential relief valve located between the check valves and below the first check valve. These units shall be located between two (2) tightly closing resilient seated shut-off valves as an assembly and equipped with properly located resilient seated test cocks.

(38) "Reduced pressure principle detector assembly." A specially designed assembly composed of a line-size approved reduced pressure principle backflow prevention assembly with a bypass containing a water meter and approved reduced pressure principle backflow prevention assembly specifically designed for such application. The meter shall register accurately for very low flow rates of flows up to three (3) gallons per minute and shall show registration for all flow rates. This assembly shall be used to protect against non-health and health hazards and used for internal protection.

(39) "Service connection." The point of delivery to the customer's water system; the terminal end of a service connection from the public water system where the water department loses jurisdiction and control over the water. Service connections shall include connections to fire hydrants and all other temporary or emergency water service connections made to the public water system.

(40) "State." The State of Tennessee, Tennessee Department of Environment and Conservation, Division of Water Supply.

(41) "Survey." An evaluation of a premise by water system personnel for the determination of actual or potential cross-connection hazards and the appropriate backflow prevention needed.

(42) "Water system." The water system operated, whether located inside or outside the corporate limits thereof, shall be considered as made up of two (2) parts, the utility system and the customer system:

(a) The utility system shall consist of the facilities for the production, treatment, storage, and distribution of water, and shall include all those facilities of the water system under the complete control of the water department, up to the point where the customer's system begins which is immediately downstream of the water meter.

(b) The customer system shall include those parts of the facilities beyond the termination of the water department distribution system that are utilized in conveying water to the point of use. The customer is responsible for all costs related to installation, maintenance

and repairs of the customer system. (1978 Code, § 8-401, as replaced by Ord. #10-845, March 2010)

18-202. Compliance with Tennessee Code Annotated. The public water system is to comply with Tennessee Code Annotated, § 68-221-711, as well as the Rules of Public Water Systems, legally adopted in accordance with this chapter, which pertain to cross-connections, auxiliary intakes, bypasses, and interconnections, and establish an effective, ongoing program to control these undesirable water uses. (1978 Code, § 8-402, as replaced by Ord. #10-845, March 2010)

18-203. Regulated. (1) No person shall cause a cross-connection, auxiliary intake, bypass, or interconnection to be made, or allow one to exist for any purpose whatsoever unless the construction and operation of same has been approved by the Tennessee Department of Environment and Conservation and the operation of such cross-connection, auxiliary intake, bypass, or interconnection is at all times under the direct supervision of the cross-connection control manager of the public water system.

(2) No water service connection to any premises shall be installed or maintained by the City of Sparta unless the water supply is protected as required by this policy/chapter.

(3) Service of water to any premises shall be discontinued by the City of Sparta if a backflow prevention assembly required by this policy is not properly installed, tested, and/or maintained, or if it is found that a backflow prevention assembly has been removed, bypassed, or if an unprotected cross-connection exists on the premises. Service shall not be restored until such conditions or defects are corrected.

(4) Prior to execution any work order for a new customer, or for any change in service to an existing customer, notification shall be given to the City of Sparta. Inspectors from the City of Sparta shall make immediate determination in writing to the customer of the type of backflow prevention assembly needed. Water service shall not be established or maintained until all necessary backflow prevention assemblies are installed. Such assembly(s) shall be tested within no more than ten (10) days upon connection to water system (time depends on hazard and risk).

(5) It shall be unlawful for any person to cause a cross-connection to be made or allow one to exist for any purpose whatsoever unless the construction and operation of same have been approved by the Tennessee Department of Environment and Conservation, and the operation of such cross-connection is at all times under the direction of the City of Sparta.

(6) If, in the judgment of the cross-connection manager, an approved backflow prevention assembly is required at the water service connection to a customer's premises, or at any point(s) within the premises, to protect the potable water supply, the manager shall require the installation, testing, and

maintenance of the required backflow prevention assembly(s) at the customer's expense.

(7) An approved backflow prevention assembly shall be installed on each water service line to a customer's premises at or near the property line or immediately inside the building being served, but in all cases before the first branch line leading off the service line.

(8) For new installations, the cross-connection manager shall inspect the site and/or review plans in order to assess the degree of hazard and to determine the type of backflow prevention assembly, if any, that will be required, and to notify the owners in writing of the required assembly and installation criteria. All required assemblies shall be installed and operational prior to initiation of water service.

(9) For all existing premises, personnel from the City of Sparta shall conduct inspections and evaluations, and shall require correction of violations in accordance with the provisions of this policy/chapter.

(10) For existing installations, the cross-connection manager may cause water service to be discontinued until such time as the customer complies with all requirements of state law and this chapter.

(11) The customer shall install approved assembly(s) at their expense. Failure, refusal, or inability on the part of the customer to install and maintain such an assembly shall be cause for discontinuance of, or refusal of, water service to the premises until such requirements are satisfactorily met.

(12) No installation, alteration or change(s) shall be made to any backflow prevention assembly connected to the public water system without first securing permission from the cross-connection manager.

(13) All backflow prevention assemblies shall be inspected after installation for compliance with all requirements of this chapter. Failure to meet all installation and testing requirements shall be cause for discontinuance of, or refusal of, water service to the premises until such requirements are satisfactorily met.

(14) It shall be unlawful to install or allow any unprotected takeoffs from the water service line ahead of any meter or backflow prevention assembly located directly after the service connection to a customer's water system. (1978 Code, § 8-403, as amended by Ord. #06-817, Nov. 2007, and replaced by Ord. #10-845, March 2010)

18-204. Statement required. That any person whose premises are supplied with water from public water system, and who also has on the same premises a separate source of water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the City of Sparta a statement of the nonexistence of unapproved or unauthorized cross-connections, auxiliary intakes, bypasses, or interconnection. Such statement shall also contain an agreement that no cross-connection, auxiliary intake, bypass, or interconnection will be permitted

upon the premises. (1978 Code, § 8-404, as replaced by Ord. #10-845, March 2010)

18-205. Applicability. The requirements contained herein shall apply to all customers and premises of the City of Sparta, and is hereby made a condition required to be met before water service is provided to any customer. This chapter shall be strictly enforced since it is essential for the protection of the public water supply against contamination and pollution. (1978 Code, § 8-405, as amended by Ord. #06-817, Nov. 2007, and replaced by Ord. #10-845, March 2010)

18-206. Inspections/surveys. The cross-connection manager shall inspect all properties served by the public water supply where cross-connections with the public water supply are deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be established by the cross-connection manager in accordance with guidelines acceptable to the division of water supply.

(1) The cross-connection manager shall have the right to enter at any reasonable time any property served by a connection to the public water system for the purpose of inspecting the piping system therein for cross-connections, auxiliary intakes, bypasses, or interconnections. On request, the owner, lessee, or occupant or any property so served shall furnish any pertinent information regarding the piping system on the property. The refusal of such information or refusal of access, when requested, shall be deemed as evidence of the presence of cross-connections.

(2) When cross-connections, other structural or sanitary hazards, or any violation of this becomes known, the cross-connection manager may deny or discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the conditions(s) in conformance with this chapter. (1978 Code, § 8-406, as replaced by Ord. #10-845, March 2010)

18-207. Backflow prevention determination. In the case of any premises where there are uncontrolled cross-connections, either actual or potential, the public water system shall be protected by a reduced pressure principle assembly (detector) or air gap separation (at the discretion of water provider) assembly on each service line to the premises.

In the case of any premises where toxic substances are present that could pose an undue health hazard, the cross-connection control manager may require an air gap separation or reduced pressure principle assembly at the service connection to protect the public water system. In making this determination, the cross-connection control manager shall consider the degree of hazard based on criteria list in approved plan.

An approved backflow prevention assembly shall be installed on each service line to a customer's premises within a distance of the water meter, determined by the cross-connection manager, and in all cases before the first branch line leading off the service line, if it is impractical or easily altered to provide an effective air gap separation, when any of the following conditions exist:

(1) All premises listed as high risk high hazard including industrial fluids, sewage, or any other non-potable substances that are handled in such a manner as to create actual or potential health hazard to the water system.

(2) All premises listed with actual or potential cross-connections listed in approved plan criteria list.

(3) Premises having auxiliary water supply, including but not limited to a well, cistern, spring, pond, river, or creek that is not, or may not be, of safe bacteriological or chemical quality and that is not acceptable as an additional source by the cross-connection control manager.

(4) The plumbing from a private well or other water supply entering the building served by the public water supply, or is connected, directly or indirectly, to the public water supply.

(5) The owner or occupant of the premises cannot or is not willing to demonstrate that the water use and protective features of the plumbing are such that frequent alterations are not made to the plumbing.

(6) The nature and mode of operation within the premises is such that frequent alterations are made to the plumbing.

(7) The nature of the premises is such that the use of the structure may change to a use wherein backflow prevention is required.

(8) There is likelihood that protective measures may be subverted, altered, or disconnected.

(9) Any premises having service and fire flow connections, most commercial and educational buildings, construction sites, all industrial and medical facilities, lawn irrigation systems, public or private swimming pools, private fire hydrant connections used by any fire department in combating fires, photographic laboratories, standing ponds or other bodies of water, auxiliary water supplies, and wastewater treatment plants.

(10) Any premises having fountains, water softeners or other point of use treatment systems, hot tubs or spas, or other type(s) of water using equipment.

(11) Premises otherwise determined by the cross-connection control manager to create an actual or potential hazard to the public water system.

(12) In the case of any premises where there is any material dangerous to health that is handled in such a fashion as may create an actual or potential health hazard to public water system, the public water system shall be protected by an air gap separation (at the discretion of the City of Sparta to allow) or a reduced pressure principle backflow prevention assembly. The following premises, where such conditions may exist, include but are not limited to:

sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries, funeral homes and metal plating operations.

(13) In the case of any premises where, because of security requirements or other prohibitions or restriction, it is impossible or impractical to make a complete cross-connection survey, the public water system shall be protected against backflow from the premises by either an air gap separation (at the discretion of the City of Sparta) or reduced pressure principle assembly on each service line to the premises.

(14) A backflow prevention assembly shall be installed on each fire service line at the property line or immediately inside the building being served, but in all cases, before the first branch line leading off the service line wherever any of the following conditions exist:

(a) Class 1, 2, and 3 fire protection systems shall require at minimum a double check valve (detector) assembly; provided however, that a reduced pressure principle (detector) shall be required;

(b) Underground fire sprinkler pipelines are parallel to and within ten feet (10') horizontally of pipelines carrying waste water or significantly toxic wastes; or

(c) Premises having unusually complex piping systems;

(d) The pumpers connecting to the system have corrosion inhibitors or other chemical added to the tanks of the fire trucks;

(e) The piping system(s) has corrosion inhibitors or other chemical added to prevent freezing;

(f) An auxiliary water supply exists with one thousand seven hundred feet (1,700') of any likely pumper connection.

(15) Class 4, Class 5, Class 6 fire protection systems shall require an air gap or a reduced pressure principle assembly (detector) as determined by the cross-connection control manager.

(16) Where a fire sprinkler system is installed on the premises, a minimum of a double check valve assembly (detector) shall be required.

(17) Where a fire sprinkler system uses chemicals, such as liquid foam, to enhance fire suppression a reduced pressure principle detector assembly shall be required.

(18) The cross-connection control manager may require internal or additional backflow prevention devices where it is deemed necessary to protect potable water supplies within the premises.

(19) In the case of any premises with an auxiliary water supply as set out in § 18-210, and not subject to any of the following rules, the public water system shall be protected by an air gap separation or a reduced pressure principle assembly.

(20) Double check valve assemblies (and detectors) may only be used for Class 1-3 fire protection systems (at the discretion of the City of Sparta to even allow). (1978 Code, § 8-407, as amended by Ord. #06-817, Nov. 2007, and replaced by Ord. #10-845, March 2010)

18-208. Approved backflow prevention assemblies and methods.

(1) All backflow prevention assemblies shall be fully approved and listed as acceptable by the State of Tennessee as to manufacture, model, size, application, orientation, and alterations. The assembly must have a status of passed, determined by performance evaluations to suffice as an approved backflow prevention assembly. The method of installation of backflow prevention devices shall comply with installation criteria set forth by this chapter and the State of Tennessee. Installation shall be at the sole expense of the owner of the owner or occupant of the premises.

(2) The type of protective assembly required by this chapter shall depend on the degree of hazard that exists. Reduced pressure principle assemblies (detector) may be used for health hazards and non-health hazards. Double check valve assemblies (detector) may only be used for non-health hazards and is limited to Class 1-3 fire systems only.

(3) Pressure vacuum breakers, spill-resistant vacuum breakers, and atmospheric vacuum breaker are not allowed for premise isolation and will not satisfy the requirements of this chapter for adequate backflow prevention due in part to the inability to protect against backpressure. (1978 Code, § 8-408, as amended by Ord. #06-817, Nov. 2007, and replaced by Ord. #10-845, March 2010)

18-209. Backflow prevention assembly installation requirements.

(1) Minimum acceptable criteria for installation of backflow prevention assemblies shall include the following:

(2) All backflow prevention assemblies shall be installed at minimum in the approved orientation as indicated by the latest approved list.

(3) All new assemblies installed must be on the approved assemblies list maintained by the division of water supply and existing assemblies must have status of approved.

(4) Installation of assemblies shall be performed by a licensed person. All backflow prevention assemblies installed fire protection systems must be performed by persons possessing a fire sprinkler contractor license. Evidence of current certifications license must be on file with the cross-connection control manager before any installation or testing of the devices can be performed.

(5) All assemblies shall be installed in accordance with the manufacturer installation instructions and by the State of Tennessee installation guide, from the state manual or policies on cross-connection control, unless such instructions are in conflict with this policy, in which case this chapter shall control, and shall possess all test cocks and fittings required for testing the assembly. All test cocks shall be fitted with adapters and all fittings permitting direct connection to test kits used by the City of Sparta.

(6) The entire assembly including test cocks and valves shall be easily accessible for testing and repair and shall meet all confined space requirements of OSHA/TOSHA.

(7) Reduced pressure backflow prevention assemblies shall be located so that the relief valve discharge port is a minimum of twelve inches (12"), plus nominal diameter of the supply line, above the floor surface. The maximum height above the floor surface shall not exceed sixty inches (60").

(8) Clearance of devices from wall surfaces or other obstructions shall be a minimum of six inches (6"), or if a person must enter the enclosure for repair or testing, the minimum distance shall be twenty-four inches (24").

(9) Devices shall be protected from freezing, vandalism, mechanical abuse, and from any corrosive, sticky, greasy, abrasive, or other damaging substance.

(10) Devices shall be positioned where discharge from a relief port will not create undesirable conditions. An approved air gap shall separate the relief port from any drainage system. Such air-gap shall not be altered without the specific approval of the City of Sparta.

(11) Devices shall be located in an area free from submergence or flood potential and cannot be placed in a pit.

(12) All devices shall be adequately supported to prevent sagging.

(13) An approved strainer, fitted with a test cock, shall be installed immediately upstream of all backflow prevention assemblies or shut-off valve, except on fire lines, using only non-corrosive fittings (e.g. brass or bronze) in the device assembly.

(14) Gravity drainage is required on all installations. Below ground installations shall not be permitted for any testable reduced pressure principle assemblies (detectors)

(15) Fire hydrant drains shall not be connected to the sanitary sewer, and fire hydrants shall not be installed in such manner that back-siphonage or backflow through the drain may occur.

(16) Where jockey (low volume-high pressure) pumps are utilized to maintain elevated pressure, as in fire protection system, the discharge of the pump shall be on the downstream side of any check valve or backflow prevention assembly. Where the supply for the jockey pump is taken from the upstream supply side of the check valve or backflow prevention assembly, a backflow prevention assembly of the same type(s) required on the main line shall be installed on the supply line.

(17) Fixed position, high volume pumps shall be equipped with suction limiting control to modulate the pump if the residual line pressure reaches twenty (20) psi. If line pressure drops below twenty (20) psi, the pump will shut off to protect the distribution system. This shut off system must be tested annually for proper operation and report of the test must be sent to the City of Sparta. (1978 Code, § 8-409, as replaced by Ord. #10-845, March 2010)

18-210. <u>Existing backflow prevention assemblies</u>. (1) All presently installed backflow prevention assemblies which were previously acceptable to the State of Tennessee that complies with installation, testing, and maintenance

requirements of this policy/chapter and in the sole discretion of the cross-connection control manager adequately protect the public water system from backflow and that were approved assemblies for the purpose described herein at the time of installation may be retained in service.

(2) Location or space requirements shall not be cause for re-location or replacement of any backflow prevention assembly. Any backflow prevention assembly that is presently installed in a vertical run of pipe shall be replaced, reinstalled, in an approved manner in a horizontal run of pipe.

(3) Wherever an existing assembly is moved from the present location, or when the City of Sparta finds that the conditions of the assembly constitutes a health hazard, the unit shall be replaced by a backflow prevention assembly meeting the requirements of this chapter. (1978 Code, § 8-410, as replaced by Ord. #10-845, March 2010)

18-211. Assembly performance evaluations and testing. (1) All assemblies used to protect the public water system must be tested every twelve (12) months. In those instances where the cross-connection manager deems the hazard to be great enough, performance evaluation may be required at more frequent intervals.

(2) Any assembly not tested within a twelve (12) month period will be deemed not approved and have a status of failed.

(3) The customer will be notified in writing that the assembly is not in compliance with this chapter.

(4) All assemblies must be deemed passed for each initial and subsequent annual performance evaluation to satisfy as approved backflow prevention assembly. If any test does not meet the minimum requirements set forth in the approved testing procedure, the assembly is deemed failed and does not suffice as an approved backflow prevention device. If conditions around the assembly do not allow the assembly to be tested, the assembly fails the assembly performance evaluation and is marked failed on test report. (Examples would include assembly is submerged, test cocks missing or plugged, relief valve continually discharging.)

(5) Backflow prevention assemblies are deemed passed if all parts of the performance evaluation meet the minimum requirements in the approved testing procedure.

(6) All assemblies will be tested by a backflow prevention assembly tester possessing a valid certificate of competency in testing and evaluation backflow prevention assemblies issued by the State of Tennessee.

(7) All performance evaluations must be performed with an annually certified test kit. Certifications for test kits are valid for one (1) year after certification is performed. If the test kit is not recertified after one (1) year, it is deemed expired. Test kits must be certified annually and the backflow prevention assembly tester must show proof of certification from manufacturer-approved entities. No performance evaluations will be accepted

from a backflow prevention assembly tester with an expired test kit certification. Proof of annual kit certification and certificate of competency must be kept on file for each tester by the City of Sparta. Backflow prevention assembly testers must test and evaluate according to the division of water supply's latest approved procedures for reduced pressure principle assembly and double check valve assembly.

(8) Each location requiring an assembly shall have a documented backflow prevention assembly. If the assembly at the address cannot be identified or is not the same, the water provider will be notified and a determination of which is assembly is used for protection of the water system. All areas that need protection shall be listed by address and location along with the serial number of device.

(9) Test reports must be completely and accurately documented and the appropriate evaluation (passed or failed) determined from testing procedure. Any test report that is not recorded completely in the sections pertinent to the results of the performance evaluation tests will not be accepted by the City of Sparta.

(10) All performance evaluations on file will be recorded on a test report approved by the state and the City of Sparta.

(11) Assemblies must be tested when installed and after every repair and have a status of passed to be in compliance with this chapter. Backflow prevention assemblies on lawn irrigation systems must be tested when assemblies are placed in service after winterization (to prevent testing just prior to winterization). If lawn irrigation backflow assemblies are removed to winterize the system, the assemblies must be retested prior to startup of the system.

(12) Failure to maintain a backflow prevention assembly that is deemed passed shall be grounds for discontinuance of water service. The removal, bypassing, or altering of a protective device or installation, without the approval of the cross-connection control manager, thereof so as to render a device ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction this chapter and the cross-connection control manager.

(13) The City of Sparta shall require the occupant of the premises to keep the backflow prevention assembly working properly and a status of passed. Repairs shall be made by licensed personnel acceptable to the City of Sparta within the time limits set forth by this policy. Expense of such repairs shall be borne by the owner or occupant of the premises. The failure to maintain a backflow prevention assembly in proper working order and a status of passed shall be grounds for discontinuance of water service.

(14) Cross-connection control manager shall have the right to inspect and test any assemblies whenever it is deemed necessary. Water service shall

not be disrupted to the assembly without the knowledge of the occupant of the premises.

(15) Provisions should be made for fire sprinkler system to be tested by a licensed fire sprinkler contractor with a valid TEDC backflow prevention assembly testing certification. Proof of certification must be presented to the cross-connection control manager.

(16) Any backflow prevention assembly tester found by the City of Sparta to be negligent in performing testing procedures or falsifying documentation in regards to a backflow prevention assembly will not be allowed continued approval to submit test reports. The City of Sparta may allow the backflow prevention assembly tester to perform testing at a later date, at the discretion of the cross-connection control manager.

(17) Backflow prevention assembly testers must have approval from the City of Sparta before any test reports are accepted. The City of Sparta will issue a copy of this chapter and require the signature of the tester acknowledging requirements and responsibilities before allowance of submittal of test reports.

(18) All performance evaluations, tests, and repairs shall be at the expense of the customer and shall be performed by backflow prevention assembly testers that satisfy all requirements of this chapter.

(19) Original records of evaluations and repairs shall be supplied to the cross-connection control manager for retention. (as added by Ord. #10-847, March 2010)

18-212. Corrections of violations. (1) Any customer having cross-connections, auxiliary intakes, bypasses, or interconnection(s) in violation of this chapter shall, after a thorough investigation of existing conditions and an appraisal of the time required, complete the work within the time designated by the cross-connection control manager, but in no case shall the time for correction exceed ninety (90) days for high and low hazards or fourteen (14) days for high risk high hazards.

(2) Failure to comply with any order of the cross-connection control manager within the time set out there in shall result in the termination of water service.

(3) Where cross-connections, auxiliary intakes, bypasses, or interconnections are found to constitute a high risk high hazard to the public water supply, the cross-connection control manager shall require prompt corrective action (within fourteen (14) days) to be taken to eliminate the threat. Expeditious steps shall be taken to disconnect the public water system from the customer's piping systems unless the extreme hazard is corrected immediately.

(4) Failure to correct conditions threatening the safety of the public water system as prohibited by this chapter or Tennessee Code Annotated, § 68-221-711 within the time limits set by the cross-connection control manager or this chapter, shall be cause for denial or termination of water service, If proper protection is not provided after times set forth in this policy/chapter, the

cross-connection control manager shall give the customer written notification that water service is to be discontinued, and thereafter physically separate the public water system from the customer's system in such a manner that the two (2) systems cannot be connected by an unauthorized person.

(5) In the event that a backflow prevention assembly is deemed failed (initial or annual performance evaluation), failure to install backflow prevention assemblies as requested by the City of Sparta, or there are deficiencies in the installation from failure to conform to the installation criteria specified in this chapter, or from deterioration, then the cross-connection control manager shall issue a written notice of failure or deficiency within ninety (90) days. The time limit is dependent on risk of contamination but may not be greater than ninety (90) days. (as added by Ord. #10-847, March 2010)

18-213. Non-potable supplies. (1) Any water outlet connected to auxiliary water sources, industrial fluid systems, or other piping containing non-potable liquids or gases, which could be used for potable or domestic purposes, shall be labeled in a conspicuous manner as:

WATER UNSAFE
FOR DRINKING

(2) The minimum acceptable sign shall have black letters at least one inch (1") high on red background.

(3) Color coding of piping in accordance with Occupational Safety and Health Act guidelines may be required in locations where, in the judgment of the City of Sparta, this is deemed necessary. Such color coding is necessary to identify and protect the potable water supply. (as added by Ord. #10-847, March 2010)

18-214. Conflicting provisions. If any provision of this chapter is found to conflict with any provision of any other chapter/policy, then the provision of this chapter shall control that should any part, or parts of this chapter be declared invalid for any reason, no other part, or parts, of this chapter shall be affected thereby. (as added by Ord. #10-847, March 2010)

18-215. Penalties. Any person responsible for a violation of this chapter may be subject to a civil penalty of not less than five dollars ($5.00) nor more than fifty dollars ($50.00). Each day a violation occurs shall constitute a separate offense. In addition to the foregoing fines and penalties, the cross-connection control manager shall discontinue the public water service at any premises upon connection and service shall not be restored until such cross-connection, auxiliary intake, bypass, or interconnection has been discontinued. Independent of and in addition to fines penalties imposed, the cross-connection control manager may discontinue the public water supply

service to any premises upon which there is found to be a cross-connection, auxiliary intake, bypass, or interconnection; and service shall not be restored until such cross-connection, auxiliary intake, bypass, or interconnection has been eliminated. (as added by Ord. #10-847, March 2010)

18-216. Responsibility for water system. (1) Notwithstanding any provisions of a plumbing code adopted by units of local government having jurisdiction, the cross-connection control manager shall be responsible for protecting the water system from contamination or pollution due to implementation and enforcement of this policy. Such authority shall extend beyond service connection to whatever extent is necessary to meet the requirements of this chapter.

(2) The authority to terminate water service for violation of any provision of this chapter shall rest solely with the cross-connection control manager, who shall have authority to take action to protect public health and safety.

(3) This section shall not be construed to prevent other officers or employees of the City of Sparta from terminating water service for failure to pay for water service, or for violation any other provision of this chapter. (as added by Ord. #10-847, March 2010)

18-217. Inspection and testing fees. (1) Fees for initial or annual certification of a backflow prevention assembly may be published by the City of Sparta based on the recommendation of the cross-connection control manager to reflect the cost of processing such certification.

(2) In the event that a backflow prevention assembly is deemed failed after the initial and annual performance evaluations, or there are deficiencies in the installation either from failure to conform to the installation criteria specified in this chapter, or from deterioration, then the cross-connection control manager shall issue a written notice of failure or deficiency.

(3) The cross-connection control manager may waive any fees and/or cost that should be appropriately relieved. (as added by Ord. #10-847, March 2010)

18-218. Thermal expansion control. A device for the control of thermal expansion shall be installed on the customer's water system where the thermal expansion of the water in the system can cause the water pressure to exceed the pressure setting of the pressure relief valve of the water heater. The thermal expansion device shall control the water pressure to prevent the pressure relief valve of the water heater from discharging. (as added by Ord. #10-847, March 2010)

18-219. Water heater temperature – pressure relief valves. (1) All storage water heaters operation above atmospheric pressure shall be provided

with an approved, self-closing (levered) pressure relief and temperature valve or combination thereof, except for non-storage instantaneous heaters. Such valves shall be installed in the shell of the water heater tank or may be installed in hot water outlet, provided the thermo-bulb extends into the shell of the tank. Temperature relief valves shall be so located in the tank as to be actuated by water in the top one-eighth (1/8) of the tank served.

(2) For installations with separate storage tank, said valve shall be installed on the tank and there shall not be any type of valve installed between the water heater and the storage tank. There shall not be a check valve or shut off valve between a relief valve and the heater or tank which it serves. The relief valve shall not be used as a means of controlling thermal expansion. (as added by Ord. #10-847, March 2010)

18-220. Safety standards – duplicate equipment in parallel required. Where the use of water is critical to the continuation of normal operations or protection of life, property or equipment. duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair a backflow prevention assembly. Until such time as a parallel unit has been installed where the continuance of service is critical, the cross-connection control manager shall notify the occupant of the premises, in writing, of plans to interrupt water service and arrange for a mutually acceptable time to test or repair the assembly. (as added by Ord. #10-847, March 2010)

CHAPTER 3

WATER AND SEWER RATES, SERVICE POLICIES AND FEES

SECTION

18-301. Purpose. The following rate and fee structures are adopted so that safe and efficient water and sewer services may be provided in the City of Sparta and in other circumstances where services may be provided as have been or will be approved by the Sparta Board of Mayor and Aldermen. (As added by Ord. #99-723, Nov. 1999)

18-302. Water rates. The following water rates shall apply for all user classifications for the fiscal years indicated below:

CITY OF SPARTA, TN WATER AND SEWER RATES

Rates in effect as of September 2008			**Rates effective beginning January 1, 2009, for meters read on or after February 1, 2009**			**Rates effective beginning June 1, 2009, for meters read on or after July 1, 2009**		
WATER RATES INSIDE			**WATER RATES INSIDE**			**WATER RATES INSIDE**		
Residential rate code 22 (per 1,000 gals.)			Residential rate code 22 (per 1,000 gals.)			Residential rate code 22 (per 1,000 gals.)		
First 2,000 gals. min.		$8.70	First 2,000 gals. min.		$11.00	First 2,000 gals. min.		$13.20
Next 8,000 gals.	@	2.01	Next 8,000 gals.	@	2.70	Next 8,000 gals.	@	3.24
Next 90,000 gals.	@	1.54	Next 90,000 gals.	@	1.70	Next 90,000 gals.	@	2.04
All over 100,000 gals.	@	1.36	All over 100,000 gals.	@	1.70	All over 100,000 gals.	@	2.04
Commercial rate code 35 (per 1,000 gals.)			Commercial rate code 35 (per 1,000 gals.)			Commercial rate code 35 (per 1,000 gals.)		
First 2,000 gals. min.		$10.89	First 2,000 gals. min.		$13.75	First 2,000 gals. min.		$15.50
Next 8,000 gals.	@	2.81	Next 8,000 gals.	@	3.38	Next 8,000 gals.	@	4.05.
Next 90,000 gals.	@	2.15	Next 90,000 gals.	@	2.13	Next 90,000 gals.	@	2.55
All over 100,000 gals.	@	1.91	All over 100,000 gals.	@	2.13	All over 100,000 gals.	@	2.55
Industrial rate code 80 (per 1 000 gals.)			Industrial rate code 80 (per 1 000 gals.)			Industrial rate code 80 (per 1 000 gals.)		
First 2,000 gals. min.		$11.16	First 2,000 gals. min.		$13.75	First 2,000 gals. min.		$16.50
Next 8,000 gals.	@	2.90	Next 8,000 gals.	@	3.38	Next 8,000 gals.	@	4.05

Next 90,000 gals.	@	2.23	Next 90,000 gals.	@	2.13	Next 90,000 gals.	@	2.55
All over 100,000 gals.	@	1.98	All over 100,000 gals.	@	2.13	All over 100,000 gals.	@	2.55
OUTSIDE			**OUTSIDE**			**OUTSIDE**		
Residential rate code 01 (per 1,000 gals.)			Residential rate code 01 (per 1,000 gals.)			Residential rate code 01 (per 1,000 gals.)		
First 2,000 gals. min.		$11.97	First 2,000 gals. min.		$16.50	First 2,000 gals. min.		$19.80
Next 8,000 gals.	@	3.20	Next 8,000 gals.	@	4.05	Next 8,000 gals.	@	4.86
Next 90,000 gals.	@	2.47	Next 90,000 gals.	@	2.55	Next 90,000 gals.	@	3.06
All over 100,000 gals.	@	2.18	All over 100,000 gals.	@	2.55	All over 100,000 gals.	@	3.06
Commercial rate code 14 (per 1,000 gals.)			Commercial rate code 14 (per 1,000 gals.)			Commercial rate code 14 (per 1,000 gals.)		
First 2,000 gals. min.		$13.94	First 2,000 gals. min.		$20.63	First 2,000 gals. min.		$24.75
Next 8,000 gals.	@	3.94	Next 8,000 gals.	@	5.06	Next 8,000 gals.	@	6.08
Next 90,000 gals.	@	3.02	Next 90,000 gals.	@	3.19	Next 90,000 gals.	@	3.83
All over 100,000 gals.	@	2.68	All over 100,000 gals.	@	3.19	All over 100,000 gals.	@	3.83
Utility districts (per 1,000 gals.)			Utility districts (per 1,000 gals.)			Utility districts (per 1,000 gals.)		
All over 1 gal.		$1.55	All over 1 gal.		$1.95	All over 1 gal.		$2.34

(as added by Ord. #99-723, Nov. 1999, and replaced by Ord. #01-740, Oct. 2001; Ord. #03-771, Sept. 2003; Ord. #05-791, May 2005, and Ord. #08-835, Dec. 2008)

18-303. Deleted. (as added by Ord. #99-723, Nov. 1999; replaced by Ord. #01-740, Oct. 2001; and Ord. #03-771, Sept. 2003; and deleted by Ord. #05-791, May 2005)

18-304. Deleted. (as added by Ord. #99-723, Nov. 1999; replaced by Ord. #01-740, Oct. 2001; and Ord. #03-771, Sept. 2003; and deleted by Ord. #05-791, May 2005)

18-305. Deleted. (as added by Ord. #99-723, Nov. 1999; replaced by Ord. #01-740, Oct. 2001; and Ord. #03-771, Sept. 2003; and deleted by Ord. #05-791, May 2005)

18-306. Deleted. (as added by Ord. #99-723, Nov. 1999; replaced by Ord. #01-740, Oct. 2001; and Ord. #03-771, Sept. 2003; and deleted by Ord. #05-791, May 2005)

18-307. Sewer rate.

Rates in effect as of September 2008			**Rates effective beginning January 1, 2009, for meters read on or after February 1, 2009**			**Rates effective beginning June 1, 2009, for meters read on or after July 1, 2009**		
SEWER RATES INSIDE			**SEWER RATES INSIDE**			**SEWER RATES INSIDE**		
Residential rate code 22 (per 1,000 gals.)			Residential rate code 22 (per 1,000 gals.)			Residential rate code 22 (per 1,000 gals.)		
First 2,000 gals. min.		$11.51	First 2,000 gals. min.		$14.85	First 2,000 gals. min.		$17.82
Next 8,000 gals.	@	2.61	Next 8,000 gals.	@	3.65	Next 8,000 gals.	@	4.37
Next 90,000 gals.	@	2.00	Next 90,000 gals.	@	2.30	Next 90,000 gals.	@	2.75
All over 100,000 gals.	@	1.77	All over 100,000 gals.	@	2.30	All over 100,000 gals.	@	2.75
Commercial rate code 35 (per 1,000 gals.)			Commercial rate code 35 (per 1,000 gals.)			Commercial rate code 35 (per 1,000 gals.)		
First 2,000 gals. min.		$14.26	First 2,000 gals. min.		$19.31	First 2,000 gals. min.		$26.73
Next 8,000 gals.	@	3.65	Next 8,000 gals.	@	5.47	Next 8,000 gals.	@	6.56
Next 90,000 gals.	@	2.80	Next 90,000 gals.	@	3.44	Next 90,000 gals.	@	4.13
All over 100,000 gals.	@	2.48	All over 100,000 gals.	@	3.44	All over 100,000 gals.	@	4.13
Industrial rate code 80 (per 1 000 gals.)			Industrial rate code 80 (per 1 000 gals.)			Industrial rate code 80 (per 1 000 gals.)		
First 2,000 gals. min.		$14.51	First 2,000 gals. min.		$22.28	First 2,000 gals. min.		$26.73
Next 8,000 gals.	@	3.77	Next 8,000 gals.	@	5.47	Next 8,000 gals.	@	6.56
Next 90,000 gals.	@	2.90	Next 90,000 gals.	@	3.44	Next 90,000 gals.	@	4.13

All over 100,000 gals.	@	2.57	All over 100,000 gals.	@	3.44	All over 100,000 gals.	@	4.13
OUTSIDE			**OUTSIDE**			**OUTSIDE**		
Residential rate code 01 (per 1,000 gals.)			Residential rate code 01 (per 1,000 gals.)			Residential rate code 01 (per 1,000 gals.)		
First 2,000 gals. min.		$15.56	First 2,000 gals. min.		$22.28	First 2,000 gals. min.		$26.75
Next 8,000 gals.	@	4.16	Next 8,000 gals.	@	5.47	Next 8,000 gals.	@	6.56
Next 90,000 gals.	@	3.21	Next 90,000 gals.	@	3.44	Next 90,000 gals.	@	4.13
All over 100,000 gals.	@	2.85	All over 100,000 gals.	@	3.44	All over 100,000 gals.	@	4.13
Commercial rate code 14 (per 1,000 gals.)			Commercial rate code 14 (per 1,000 gals.)			Commercial rate code 14 (per 1,000 gals.)		
First 2,000 gals. min.		$18.12	First 2,000 gals. min.		$28.96	First 2,000 gals. min.		$34.75
Next 8,000 gals.	@	5.12	Next 8,000 gals.	@	7.11	Next 8,000 gals.	@	8.53
Next 90,000 gals.	@	3.93	Next 90,000 gals.	@	4.48	Next 90,000 gals.	@	5.37
All over 100,000 gals.	@	3.48	All over 100,000 gals.	@	4.48	All over 100,000 gals.	@	5.37

(As added by Ord. #99-723, Nov. 1999, and replaced by Ord. #01-740, Oct. 2001, Ord. #03-771, Sept. 2003, and Ord. #08-835, Dec. 2008)

18-308. Service and tap fees.

(1) Residential 3/4 inch water service.

Inside city limits	$600
Outside city limits--in subdivision	$800
Outside city limits--not in subdivision	$800

A subdivision is defined as five (5) residential taps in existence with the new metering point being no more than 200 feet from the main.

(2) Commercial water service.

3/4 inch--inside city limits	$600
3/4 inch--outside city limits	$800
1 inch--inside city limits	$800
1 inch--outside city limits	$1,000
2 inch--inside city limits	$2,200
2 inch--outside city limits	$2,400
Over 2 inch	Determined by Utilities Manager

(3) Sewer service.

Residential	$1,000
Commercial	$1,000

(4) Water and sewer service (if available) will be provided to the customer's property line. The customer will be responsible from that point or from the meter (for water service).

(5) Tap fees for apartment buildings

Individual Meters

Water tap	$600 per unit - 3/4 inch line
Sewer tap	$1,000 per unit

Meters and lines provided and installed by owner.

Master Meter

Water tap	$2,000 plus $50 per unit - 6 inch line

Meter is to be provided and installed by owner. The City of Sparta will maintain fire protection lines and hydrants.

Master Meter

Sewer tap	$2,000 plus $50 per unit - 6 inch line

Customer will be billed a minimum water and sewer commercial rate for each apartment. Greater consumption will be billed accordingly.

Apartments wishing to install one master meter for 4 apartments (for example) will be charged the current tap fees according to line size plus $25.00 for each unit for water and $20.00 for each unit for sewer. Meters and lines will be provided and installed by the owner.

(6) Sewer capacity development fees for outside of city limits customers and other not listed. The sewer capacity development fee(s) for all uses not specified and for areas outside the Sparta city limits will be determined on a case-by-case basis using a system buy-in method. The capacity development fee will be computed by the city by the following method using values from the city's most recent audit report.

Capacity Development Fee=Value of property, plant and equipment (net) less [outstanding debt + developer fees + tap fees + grant funds] divided by existing wastewater treatment plan capacity in gallons per day times equivalent residential connections (ERC). An ERC is 350 gallons per day. (As added by Ord. #99-723, Nov. 1999, and amended by Ord. #01-740, Oct. 2001, and Ord. #03-771, Sept. 2003)

18-309. Utility district rates. The water rate for utility districts shall be $1.55 per 1,000 gallons. (as added by Ord. #01-740, Oct. 2001, and Ord. #03-771, Sept. 2003; and replaced by Ord. #05-791, May 2005)

CHAPTER 4

SEWER SERVICE OUTSIDE CORPORATE LIMITS

SECTION
18-401. Policies applicable to sewer service.

18-401. Policies applicable to sewer service. (1) When city sewer services are sought for property contiguous to the existing city limits which is of sufficient size and configuration to merit its immediate annexation, the annexation of that property to the city shall be a condition of its receiving city sewer service.

(2) An application for city sewer service to property not meriting immediate annexation will only be considered if the application is for property located in the area which is designated as the urban growth area pursuant to the provisions of Public Chapter 1101.

(3) An application for city sewer to service property located in the city's urban growth area will only be considered under circumstances which will allow the design, installation, and operation of the sewer facilities to serve that property to be in accordance with applicable city ordinances, codes, regulations, standards and policies, all as if such property were within the city.

(4) When city sewer service is sought for property outside the city limits, same may be granted only upon approval by motion of the board of mayor and aldermen. In the event it is decided that any such application should be granted, the board of mayor and aldermen may attach conditions to the granting of such application as are deemed advisable under the circumstances surrounding that application. The conditions attached shall include the execution by the owners and occupants of the property of an outside utility agreement which is deemed acceptable and approved by the board of mayor and aldermen.

(5) In addition to compliance with the policies enumerated above, the board of mayor and aldermen will not normally approve an outside utility agreement for sewer service unless the following additional conditions have been satisfied or agreed to in conjunction with said agreement by all owners and occupants of the property for which such service is to be provided:

(a) The city shall be provided an accurate legal description and the names of all owners and occupants of the property;

(b) The city shall be provided a binding commitment by the owners of the property that all lines and facilities for such service will be completed to city standards in accordance with all city ordinances and regulations relating to installation and costs; that all costs involved in providing the lines and other facilities required for such service will be paid in full by the owners of the property; and that ownership of all main lines will vest in the city upon their completion and acceptance by the city;

(c) The city shall be provided a bill of sale transferring the ownership of all main lines constructed for such service to the city immediately upon their completion and acceptance by the city;

(d) The city shall be provided with easements satisfactory to allow entry upon private property for maintenance and repair of all main lines constructed for such service which are not located within public rights of way, which easements shall be provided immediately upon completion of said main lines;

(e) The city shall be provided accurate as-builts of all lines and facilities constructed for such service immediately upon their completion and acceptance by the city;

(f) The city shall be provided a bond issued by a corporate surety authorized to do business in the State of Tennessee to insure the successful operation of all lines and facilities constructed for such service for a period of two (2) years from the date service is commenced in such form that performance thereunder by the surety may be directly required by the city;

(g) The city shall be provided a binding commitment by the owners and occupants of the property to pay all connection fees and charges prescribed by city ordinances at the time of connection and all regular monthly service charges and outside utility surcharges prescribed by city ordinances during the period of service;

(h) The city shall be provided a binding commitment by the owners and occupants to provide such documents and take such steps as may be required by the city ordinance or administration or otherwise to insure that all the board of mayor and aldermen's policies and conditions relative to any grant of utilities outside the city limits will be complied with by all existing and future owners and occupants of the property served under penalty of cessation of such service, injunctive relief against noncompliance and any other legal or equitable remedy allowed by law. (As added by Ord. #99-721, Sept. 1999)